



UNITED STATES  
DEPARTMENT OF THE INTERIOR BUREAU OF LAND  
MANAGEMENT

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## Chapter 1 Overview

### 1.1 Purpose

The purpose of this manual section is to provide guidance on prioritizing the designation and protection of areas of critical environmental concern (ACECs) through the resource management planning process as directed by Section 202(c)(3) of the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. 1712(c)(3), and the resource management planning regulations, 43 CFR 1610.7-2, Designation of Areas of Critical Environmental Concern. ACECs are the Bureau of Land Management's (BLM) principal administrative designation "to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards," (FLPMA Section 103(a), 43 U.S.C. 1702(a)). The flexible nature of the designation allows the BLM to tailor special management attention to protect a diverse array of unique and important areas and features including fish and wildlife habitats, rare plant populations, archaeological and historic sites, areas of significance to Tribes,<sup>1</sup> and visually unique natural landscape features. Where these unique and important areas also have opportunities for research and education, the BLM has the ability to designate an "ACEC research natural area" (ACEC RNA) as a type of ACEC (43 CFR 1610.7-2(e)).<sup>2</sup> In a time of rapidly changing landscape conditions resulting from climate change, the designation of ACECs can play a significant role in contributing to ecosystem resilience by protecting intact landscapes and habitat connectivity.

### 1.2 Objectives

The objective of this manual section is to provide clear direction and comprehensive guidance encompassing all elements of the ACEC designation and management process.

### 1.3 Authority

- A. Section 202(c)(3) of FLPMA (43 U.S.C. 1712(c)(3)) requires that the Secretary, in the development and revision of land use plans, give priority to the designation and protection of ACECs.
- B. The National Environmental Policy Act of 1969 (42 U.S.C. 4321) (NEPA), as amended, requires Federal agencies to evaluate the environmental effects of proposed major Federal actions.

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<sup>1</sup> As used in this manual, "Tribe" means a Tribal Nation that is defined as an American Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges as a Federally recognized Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 5130 and 512 DM 4.

<sup>2</sup> All references to "ACEC" in this manual are considered inclusive of ACEC RNAs. When the term "ACEC RNA" is used, it is intended to emphasize the additional aspects the ACEC RNA designation may require or encompass. Not all RNAs will or should be designated as ACECs. Some areas may meet the definition of an RNA set out in 43 CFR 8223 but not the criteria for designation as an ACEC. In those instances, the area can be designated as an RNA but would not be considered an ACEC or an ACEC RNA. This manual does not apply to the management and use of the Fossil Forest Research Natural Area, which is instead governed by the regulations at 43 CFR 8224.

- C. The Federal Land Transaction Facilitation Act (43 U.S.C. 2302) requires that the Secretary of the Interior and Secretary of Agriculture identify a procedure for prioritizing the acquisition of inholdings and non-Federal lands with exceptional resources. The Federally designated areas identified in the Act include ACECs and RNAs.
- D. Section 1610.7-2 of the BLM Resource Management Planning regulations establishes procedural requirements for the designation of ACECs in resource management plans (RMPs) and in applicable RMP amendments (43 CFR 1610.7-2).
- E. Section 8223 of the BLM Recreation Program regulations defines research natural areas (RNAs) and establishes policy and use restrictions for RNAs (43 CFR 8223), while the planning regulations provide for the designation of RNAs as a type of ACEC and complement the RNA regulations.
- F. The BLM Conservation and Landscape Health regulations (43 CFR part 6100) establish policy for the BLM to build and maintain the resilience of public lands by protecting intact, functioning landscapes; restoring degraded habitat and ecosystems; and making wise management decisions across all plans and programs based on science and data.

#### **1.4 Responsibility**

- A. *The Director and the Deputy Directors, through the Assistant Director, Resources and Planning, are responsible for:*
  - 1. Establishing national strategies, goals, and objectives for resource management plans, including ACEC designations, consistent with FLPMA and 43 CFR 1610.7-2.
  - 2. Ensuring compliance with FLPMA and 43 CFR 1600 by establishing national-level policy and guidance for the designation and management of ACECs.
  - 3. Directing fiscal resources related to the designation and management of ACECs.
  - 4. Ensuring adherence to proper delegations of authority related to decisions, actions, and policies concerning designated ACECs.
  - 5. Ensuring compliance with NEPA, including the Council on Environmental Quality (CEQ) and the Department of the Interior NEPA regulations.
  - 6. Establishing procedures for consistent reporting of ACEC data at a national scale and compiling state-reported ACEC data for national-level reporting, as required for informed decision-making to support the designation and management of ACECs.

B. *State Directors* are responsible for:

1. Ensuring compliance with FLPMA and other relevant law and policy for ACECs.
2. Identifying, evaluating, and prioritizing areas that have potential for designation and management as ACECs.
3. Determining which ACECs to designate through the resource management planning process and providing justification and rationale for designations and removal of designations in the appropriate decision documents.
4. Managing designated ACECs in a manner that conserves, protects, and enhances the relevant and important values and only allows casual use or uses that will ensure the protection of the relevant and important values.
5. Determining the appropriate timing to conduct an evaluation of an ACEC nomination received outside of a resource management planning process.
6. Deciding whether to initiate a resource management planning process and/or implement temporary management in instances where nominated areas are evaluated outside of the resource management planning process and found to meet the relevance and importance criteria and require special management attention.
7. Prioritizing acquisition of inholdings within designated ACECs and adjacent or connecting lands identified as holding relevant and important values related to the designated ACEC.
8. Ensuring annual data reporting is completed for national status reports and identifying a state data steward.
9. Ensuring compliance with NEPA, CEQ regulations, and the Department of the Interior's NEPA regulations, in the course of informed decision-making about the designation and management of ACECs.

C. *Authorized officers including District and/or Field managers* are responsible for:

1. Implementing BLM policy for ACECs.
2. Soliciting and identifying eligible ACECs early in the resource management planning process.
3. Administering ACECs consistent with the management identified in the resource management plan to ensure the protection of relevant and important values.

4. Maintaining ACEC data consistent with the national ACEC data standard and responding to requests for ACEC information from BLM Headquarters, BLM State Offices, and external sources.
5. Addressing ACEC nominations received outside the resource management planning process and making recommendations to the State Director on the appropriate timing for conducting an evaluation of the nomination.
6. Providing recommendations to the State Director on whether to initiate a resource management planning process and/or implement temporary management in instances where nominated areas are evaluated outside of the resource management planning process and found to meet the relevance and importance criteria and require special management attention.

## 1.5 References

- A. BLM Handbook 1601-1, Release 1-1693, Land Use Planning Handbook.
- B. BLM Handbook 1790-1, Release 1-1547, National Environmental Policy Act Handbook.
- C. U.S. Department of the Interior, Departmental Manual 301 DM 7, Departmental Responsibilities for Consideration and Inclusion of Indigenous Knowledge in Departmental Actions and Scientific Research.
- D. BLM Permanent Instruction Memorandum 2022-011, Co-Stewardship with Federally Recognized Indian and Alaska Native Tribes Pursuant to Secretary's Order 3403.

## 1.6 Policy

The Bureau of Land Management's policy for ACECs follows:

- A. FLPMA requires the Secretary to give priority to the designation and protection of ACECs. ACECs are identified, evaluated, and designated through BLM's resource management planning process. Resource management planning processes include the development of new RMPs, RMP revisions, and relevant RMP amendments (where ACECs are within the scope of the amendment). An ACEC designation is the principal BLM designation for public lands where special management is required "to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems and processes, or to protect life and safety from natural hazards" (FLPMA Section 103(a), 43 U.S.C. 1702(a)). Therefore, BLM managers will:

1. Identify, evaluate, and consider for designation all existing ACECs and areas nominated as ACECs which meet the relevance and importance criteria identified in 43 CFR 1610.7-2(d)(1)-(2) during resource management planning.
2. Conduct consultation with Tribes and Alaska Native Corporations and provide opportunities for engagement with Tribes on co-stewardship and the identification of sources of Indigenous Knowledge during the identification, designation, and management of ACECs.
3. Provide for public involvement in the identification and designation of ACECs.
4. Consider management direction through resource management planning that would conserve, protect, or enhance the relevant and important values of potential ACECs.
5. Consider through resource management planning if special management attention is required for potential ACECs by applying the criteria identified in 43 CFR 1610.7-2(d)(3).
6. Presume that a potential ACEC that meets the relevance and importance criteria and also requires special management attention will be designated, and in making ACEC designation determinations, consider the value of other resource uses in the area, the feasibility of managing the designation, and the relationship to other types of designations and protective management available. (43 CFR 1610.7-2(j)(1)(i)). An area that meets both ACEC criteria and ACEC RNA criteria may be designated as an ACEC RNA, but the presumption applies only to the designation of the area as an ACEC.
7. Administer designated ACECs in a manner that conserves, protects, and enhances the relevant and important values and only allow casual use or uses that will ensure the protection of the relevant and important values. This does not apply to those ACECs designated for natural hazards potentially impacting life and safety (43 CFR 1610.7-2(j)(3)).
8. Appropriately monitor and annually report out on management of designated ACECs.
9. Remove ACEC designations, in whole or in part, only when special management attention is no longer needed because another mechanism is providing adequate protection for the relevant and important values, or the values are no longer present or no longer require protection. (43 CFR 1610.7(k)).
10. Address nominations of ACECs received outside of the resource management planning process and determine the appropriate timing to conduct an evaluation of the nomination.



11. Conduct a resource management planning process and/or implement temporary management in instances where nominated areas are evaluated outside of the resource management planning process and found to meet the relevance and importance criteria and require special management attention.

### **1.7 File and Records Maintenance**

The process of evaluating, considering, and analyzing potential ACECs must be thoroughly documented in the contemporaneous decision file for the associated resource management planning process. The responsible office will create and maintain decision files for the evaluation, designation, and management of ACECs in accordance with BLM Manual Section 1270, Release 1-1802 - Records Administration and applicable Geographic Information System (GIS) data standards. Recordkeeping efforts must also comply with the Paperwork Reduction Act (44 U.S.C. 3501), and relevant BLM guidelines.

## Chapter 2 ACEC Designation Criteria

This chapter provides the ACEC relevance, importance, and special management attention designation criteria described in 43 CFR 1610.7-2(d) and the criteria by which an ACEC can be designated as an ACEC RNA as described in 43 CFR 1610.7-2(e) and 43 CFR 8223.0-5.

### 2.1 ACEC Criteria

- A. *Relevance.* The area contains important historic, cultural, or scenic values; fish or wildlife resources; natural systems or processes; or natural hazards potentially impacting life and safety (43 CFR 1610.7-2(d)(1)).
- B. *Importance.* A historic, cultural, or scenic value; a fish or wildlife resource; a natural system or process; or a natural hazard potentially impacting life and safety has importance if it has qualities of special worth, consequence, meaning, distinctiveness, or cause for concern; has national or more than local importance, subsistence value, or regional contribution of a resource, value, system, or process; or contributes to ecosystem resilience, landscape intactness, or habitat connectivity. A natural hazard can be important if it is a significant threat to human life and safety (43 CFR 1610.7-2(d)(2)).
- C. *Special management attention.* The important historic, cultural, or scenic values; fish or wildlife resources; natural systems or processes; or natural hazards potentially impacting life and safety require special management attention. “Special management attention” means management prescriptions that:
  - 1. Protect and prevent irreparable damage to the relevant and important values, or that protect life and safety from natural hazards; and
  - 2. Would not be prescribed if the relevant and important values were not present. In this context, “irreparable damage” means harm to a value, resource, system, or process that substantially diminishes the relevance or importance of that value, resource, system, or process in such a way that recovery of the value, resource, system, or process to the extent necessary to restore its prior relevance or importance is impossible (43 CFR 1610.7-2(d)(3)(i)-(ii)).

### 2.2 ACEC RNA Criteria

The authorized officer may designate an ACEC RNA if the area (1) meets all of the ACEC relevance, importance, and special management attention criteria identified in 43 CFR 1610.7-2(d)(1)-(3), and (2) is established and maintained for the primary purpose of research and education because the land has one or more of the characteristics found at section 43 CFR 8223.0-5(a).

The characteristics at 43 CFR 8223.0-5(a) are:

- A. A typical representation of a common plant or animal association;
- B. An unusual plant or animal association;
- C. A threatened or endangered plant or animal species;
- D. A typical representation of common geologic, soil, or water features;
- E. Outstanding or unusual geologic, soil, or water features.

### Chapter 3 ACEC Identification, Evaluation, and Determination Procedures

This chapter and associated figure (refer to **Figures, Figure 1**) describes recommended practices for addressing ACECs in the early stages of a RMP or relevant RMP amendment; ACEC identification and nomination requirements; and evaluation criteria for identifying potential ACECs for consideration in the NEPA analysis for an RMP or relevant RMP amendment.

#### 3.1 Early Resource Management Planning Considerations

It is recommended that ACECs be considered and addressed early in the RMP process which, as described in the BLM's Land Use Planning Handbook, H-1601-1, includes the development of planning guidance; the preliminary purpose and need; a preparation plan; planning criteria; and an analysis of the management situation report.

- A. *Planning Guidance and Purpose and Need.* Consider addressing ACECs in the planning guidance for the planning effort and consider how ACEC designations can support the preliminary purpose and need.
- B. *Preparation Plan.* In preparing a preparation plan, list existing ACECs that will be reevaluated along with internal and external nominations already received or received since last planning effort that require evaluation. Identify any data needs relative to the evaluations and identify how and when ACEC nominations will be requested as part of the public participation strategy.
- C. *Planning Criteria.* When developing planning criteria, identify ACEC analysis issues and describe their associated analytical framework.
- D. *Analysis of the Management Situation.* In preparing the analysis of the management situation report, consider listing all existing ACECs and any ACEC nominations that have already been received and, if already evaluated, providing a brief summary of their relevant and important values and a map showing their location and boundary.

#### 3.2 ACEC Identification

Early in the resource management planning process (during pre-scoping and scoping), the BLM must facilitate the identification of eligible ACECs for consideration in the RMP or relevant RMP amendment by seeking internal and external ACEC nominations, identifying ACEC nominations received since the last resource management planning effort, and identifying existing, designated ACECs (43 CFR 1610.7-2(c)).

- A. *Internal ACEC Nominations.*
  1. BLM interdisciplinary teams should identify ACEC nominations based on consideration of both internal and external data sources.
  2. Internal data sources include but are not limited to Inventory, Assessment, Monitoring (for National Scenic & Historic Trails); Assessment, Inventory, and Monitoring (for land health and related purposes); Watershed Condition

Assessments; inventories of habitat connectivity; intactness inventory data; visual resource inventories; the National Cultural Resources Information Management System; and state cultural resource information management systems.

3. External sources of data may include but are not limited to other Federal agencies, Tribes, Alaska Native Corporations, state agencies, local governments, neighboring landowners, the scientific research community, non-governmental organizations, and members of the public. Information sources may also include Indigenous Knowledge developed, held, and stewarded by Indigenous Peoples.
4. Interdisciplinary teams should review areas adjacent to similar designations of other Federal and state agencies to determine if the special values upon which the adjacent designation was based extend into the planning area and meet the relevance and importance criteria. For example, habitat connectivity is a potential basis for finding the importance criterion is met and may be of relevance when considering adjacent designations and the degree to which they complement any existing inventory data the BLM has regarding habitat connectivity, permeability, and resilience.
5. Interdisciplinary teams should not let existing Presidential, Congressional, or administrative designations, including designations currently being evaluated, dissuade them from identifying potentially eligible ACECs that are within or that partially overlap these areas.

B. *External ACEC Nominations.*

1. BLM must actively solicit external nominations for ACECs early in the resource management planning process (43 CFR 1610.7-2(c)(3)) by:
  - a. Soliciting, during pre-scoping, ACEC nominations and feedback on existing ACECs from Tribes and Alaska Native Corporations and co-stewardship proposals from Tribes.
  - b. Seeking, during public scoping, ACEC nominations from other Federal agencies, Tribes, Alaska Native Corporations, state and local governments, and members of the public.
2. The BLM must request ACEC nominations at the initiation of the public scoping period through the publication of the Notice of Intent for the RMP or relevant RMP amendment (refer to **Chapter 6** for additional information on *Federal Register* notices).
3. In conducting external outreach, BLM should:

- a. Post a notice calling for nominations on the BLM’s National NEPA Register website, at all BLM offices within the planning area, and at other public locations as appropriate.
  - b. Send nomination requests to individuals, agencies, and groups on the mailing list for the resource management planning process.
  - c. Make the nomination checklist available as part of all ACEC outreach efforts and in response to nomination inquiries (refer to **Appendix 1, *Nomination Checklist***) and send the nomination checklist to a nominating party if their submitted nomination lacks any of the identified information. Completion of the nomination checklist is not required but can be helpful in identifying what information must be included in all nominations.
  - d. Accept nominations through the National NEPA Register website page associated with the resource management planning process.
4. When reviewing an ACEC nomination from a third party, the BLM should evaluate that nomination to ensure that it presents enough information to demonstrate how the nominated area meets the relevance and importance criteria. In particular, the BLM should verify the following:
- a. A geographic location and boundary even if approximate. This could include a map with the proposed boundary identified, or similar effort to identify the location.
  - b. A description of the relevant and important values in the nominated area.

The BLM is encouraged to utilize contact information supplied by the third-party nominating the ACEC to obtain any additional information, if necessary.

5. This list of required information is also identified in the nomination checklist found in **Appendix 1, *Nomination Checklist***. Nominations received from entities outside of BLM, which do not include a map of the nominated parcel must still be accepted as long as an approximate location and boundary are provided.
6. Nominations that are received after the close of the public comment period on the draft RMP or relevant draft RMP amendment that are not received through Tribal or Alaska Native Corporation consultation, are not required to be addressed during that planning process. As with any resource information received during a NEPA process, the BLM is responsible for ensuring that the resources identified in the nomination are appropriately considered and addressed. Nominations received after the close of the public comment period of the draft RMP or relevant draft RMP amendment, that are not addressed

during that planning process, will be subsequently addressed through the process identified in **Chapter 9, *Nominations Received Outside of the Resource Management Planning Process.***

C. *Nominations Received Since the Last RMP Process.*

All nominations that the BLM has received since the last RMP process that evaluated ACEC nominations must be evaluated. Additional information on nominations received outside the resource management planning process can be found in **Chapter 9, *Nominations Received Outside of the Resource Management Planning Process.***

D. *Existing ACECs.*

All existing, designated ACECs must be reevaluated when an RMP is revised or when the existing, designated ACECs are within the scope of an RMP amendment.

### 3.3 Identify Name and Boundary

Provide the potentially eligible areas identified under **Section 3.2, *ACEC Identification*** with a name,<sup>3</sup> legal location, and boundaries; including externally nominated areas where only approximate information was provided. The name can be based on an identified resource or value or on a particular physical feature or hazard. Although an ACEC designation applies only to BLM-managed public lands, the boundaries of an ACEC can be drawn to include non-federal lands, and, where the relevant federal agency agrees in writing, federal lands administered by other bureaus or agencies. The location should include the legal description in aliquot parts (e.g., T. 14 N., R. 70 E., Sec. 7, SE¼SE¼SE¼).

### 3.4 ACEC Evaluation and Determination

All of the existing and potentially eligible ACECs identified under **Section 3.2, *ACEC Identification***, must be evaluated to determine if they meet the relevance and importance criteria identified in 43 CFR 1610.7-2(d)(1)-(2) (refer to **Chapter 2**). The areas that meet the relevance and importance criteria will be considered as potential ACECs during the development of the RMP or relevant RMP amendment.

A. *The Steps of the Evaluation and Determination Process.* The following steps should be completed in order.

1. Evaluate relevance;
2. Evaluate importance;

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<sup>3</sup> Names must not imply affiliation with other designation systems (including obsolete designation types); be offensive, derogatory, or controversial; or be named after people, businesses, or corporations. If the ACEC name incorporates a geographic place, then the ACEC can only be named after geographic features that are official names recognized by the US Board of Geographic Names. Tribes shall be consulted for naming when the ACEC has been identified as important by or to a Tribe; or when the name may draw on Tribal languages, customs, or history.

3. Make a determination and document whether the area meets the relevance and importance criteria.

The Evaluation and Determination Worksheet is available as a tool for the evaluation effort (refer to **Appendix 2, *Evaluation and Determination Worksheet***).

The interdisciplinary team must evaluate the nomination using high-quality information and data, including monitoring data and resource inventories. Data may be derived from both BLM and non-BLM sources. Non-BLM data sources may include, but are not limited to, other Federal agencies, Indigenous Knowledge, Tribes, state or local governments, universities, and other research institutions. For example, the U.S. Fish and Wildlife Service is the Federal agency responsible for maintaining information and geospatial data on population ranges of threatened and endangered species. The U.S. Geological Survey identifies areas at risk of landslides and other hazards. Alternatively, information to determine the original extent of a historical resource may require literature reviews or archive searches at local universities. Regardless of the source, ensure externally sourced data meets Department of the Interior and BLM standards for high-quality information.

1. **Evaluate Relevance.** An area meets the “relevance” criterion if it contains one or more of the following (43 CFR 1610.7-2(d)(1)): important historic, cultural, or scenic values; fish or wildlife resources; natural systems or processes; or natural hazards potentially impacting life and safety. The BLM first determines if the identified values are present and then determines if they have relevance. Table 3.1 provides examples of how an existing value might meet the relevance criterion.

Dismiss and document any area that does not to meet the relevance criterion from consideration as a potential ACEC and explain why the area does not meet the relevance criterion. Resources in areas that do not have relevance may, however, still warrant consideration in the resource management planning process (e.g., if an area with identified habitat values did not to meet the relevance criterion, it may still merit some type of management direction in the RMP or relevant RMP amendment).

**Table 3.1.** ACEC relevance value categories and examples of potential relevance.<sup>4</sup>

Value Category	Examples of Potential Relevance
Important historic, cultural, or scenic value.	Relevant cultural and historic resources include nonrenewable evidence of human endeavors, such as those found in places, structures, objects, trails, or other forms of evidence. The presence of historic properties eligible for listing on the National Register of Historic Places may also establish historic or cultural relevance. Sites or areas identified by

<sup>4</sup> These examples of potential relevance are meant to be illustrative. They are not all inclusive.



Value Category	Examples of Potential Relevance
	<p>Tribes, Alaska Native Corporations, or others as providing important resources for cultural or religious uses may also have historic or cultural relevance. Sites with known Native American burials and other cultural items may have significance under the Native American Graves Protection and Repatriation Act and may establish historic or cultural relevance. Such areas may include locations where historical events occurred even though tangible evidence may be absent.</p> <p>Scenic resources include landforms, waterbodies, vegetation, wildlife, structures, or other visually perceivable natural and human-made aspects of a landscape or view and are considered for rating scenic quality. Relevant scenic values could include areas scoring the highest possible ratings (Scenic Quality A) for scenic quality and sensitivity level under the BLM’s Visual Resource Inventory process (H-8410-1).<sup>5</sup></p>
A fish or wildlife resource.	<p>Relevant fish or wildlife resources could include one or more species or populations that are rare, endemic, or otherwise limited in distribution, viability, or diversity. Examples may include endangered, threatened, or candidate species under the Endangered Species Act, species identified as warranting protection or active management under state law, a BLM sensitive species, or a U.S. Fish and Wildlife Service listed species of concern. Relevant wildlife resources could also include viable populations of wide-ranging species and intact habitat areas maintaining native biological diversity.</p>
A natural process or system.	<p>Relevant natural systems may contain a dynamic complex of botanical and wildlife resources that interact with abiotic and biotic components of the environment including geologic and hydrologic features. In these areas, natural processes are functioning within a natural system, existing in, or produced by nature, rather than by human beings. These potentially relevant systems may represent or contain ecologically unique geologic features including caves, relict or isolated species distributions, critical wildlife corridors, areas of habitat connectivity, high levels of biodiversity, ecosystem refugia, old-growth forest conditions, or paleontological resources. Relevant natural processes or systems may also have qualities</p>

<sup>5</sup> Scenic quality is measured on a comparative basis within a physiographic province or ecoregion and/or based on High Visual Sensitivity (H-8410-1). It may be helpful to also consider scarcity (e.g., one of kind, unusually memorable, unique, diverse, irreplaceable, vulnerable to adverse change, or very rare) within a region for context and the level of sensitivity (e.g., more than local, could be regional, national, international etc.).

Value Category	Examples of Potential Relevance
	that increase the ecological health, resilience, or adaptive capacity of the public lands.
Natural hazards potentially impacting life or safety.	A relevant natural hazard is one that could constitute a significant danger, or potentially significant danger, to human life or property; or that could be significantly dangerous to life or the safety of property if development or other activities were permitted. Examples include naturally occurring hazardous substances and areas at risk of landslide, subsidence, or avalanche. A hazard caused by human action may meet the relevance criteria if it has become part of a natural process such as an area after a dam removal.

2. **Evaluate Importance.** The mere presence of one or more of the relevance values is not sufficient for an area to qualify for consideration as a potential ACEC. The area must also meet the importance criterion. Only evaluate importance on identified areas that have been determined to have relevance. Using the information and data collected, evaluate the area to determine if the importance criterion is met. A value has importance if it has qualities of special worth, consequence, meaning, distinctiveness, or cause for concern; has national or more than local importance, subsistence value, or regional contribution of a resource, value, system, or process; or contributes to ecosystem resilience, landscape intactness, or habitat connectivity (43 CFR 1610.7-2 (d)(2)). A natural hazard can be important if it is a significant threat to human life and safety (43 CFR 1610.7-2 (d)(2)).

The evaluation of importance is different for each nominated area and is dependent upon the resources and values identified. Examples of the application of the importance criteria include:

- a. **Qualities of special worth, consequence, meaning, distinctiveness, or cause for concern.** Fragile, sensitive, distinctive, or otherwise vulnerable historic, cultural, or scenic values can satisfy the importance criterion. Unique, exemplary, or irreplaceable resources such as viewsheds, religious sites, sites with special values to Tribes, Indigenous Peoples, fish and wildlife populations, or natural processes may also possess such qualities. Scenic values may meet the importance criterion when the inventoried value indicates exceptional scenic quality, scarcity, and high public sensitivity within a geographic region such that it merits prioritization or attention.
- b. **National or more than local importance, subsistence value, or regional contribution to a broader resource, value, system, or process.** Historic, cultural, or scenic area nominations may meet the importance criteria when the relevant value has “national or more than local importance, subsistence value, or regional contribution” that

addresses a resource, value, system, or process broadly distributed across the landscape. A fish or wildlife resource may meet the importance criteria when its presence, considered in an ecological context, constitutes a population or portion of a population that is critical to the survival of the species, has subsistence value, or contributes to ecosystem resilience, landscape intactness, or habitat connectivity. The importance should be evaluated at the appropriate geographic scale for the resources and values identified, such as a species population range or geographic scope of subsistence use; and must be defined as part of the evaluation of importance for the specific value. Areas nominated for natural processes or systems must similarly be clearly defined in the context of their contribution to more than local importance, subsistence resources or capacity which is essential to the process or system, or the broad geographic scale.

- c. **Contributes to ecosystem resilience, landscape intactness, or habitat connectivity.** Historic, cultural, or scenic values which contribute to ecosystem resilience, intact landscapes, or habitat connectivity may meet the importance criterion. Fish or wildlife resources, including populations, essential to maintaining such landscape contributions can also meet the importance criteria. Natural processes or systems potentially meeting the importance criteria are those which promote landscape level functions, including but not limited to biotic, abiotic components such as geologic features like caves, critical wildlife corridors, areas of habitat connectivity, relict or isolated species distribution mechanisms, areas with a sustained high level of biodiversity, and ecosystem refugia.
- d. **Significant threats to human life and safety, in the case of natural hazards.** A natural hazard must be accessible to the public or have the potential to impact nearby public or private property. Areas not publicly accessible, but which are likely to endanger persons with legal permission to enter the area, such as emergency responders, law enforcement, or authorized agency staff may also meet the importance criterion as a natural hazard.

Dismiss and document areas that do not meet the importance criterion. Resources in areas that do not have importance, may, however, still warrant consideration in the RMP or relevant RMP amendment. For example, BLM may wish to consider protection of the identified resources through other types of administrative designations or through resource/resource use allocations and/or prescriptions in the RMP or relevant RMP amendment.

- 3. **Make a Documented Determination.** Determine and document if the eligible areas meet the relevance and importance criteria and explain why the area does or does not meet the criteria. A documented, detailed evaluation of the

relevance criterion and, if the area has relevance, the importance criterion for each identified area is required. The Evaluation and Determination Worksheet is available as a tool for documentation of the evaluation and the determination (refer to **Appendix 2, *Evaluation and Determination Worksheet***). As per 43 CFR 1610.7-2(g), any evaluated area containing at least one value that the BLM determines meets the criteria for both relevance and importance must be moved forward for consideration as a potential ACEC in the RMP or relevant RMP amendment.

In the evaluation determination, it is helpful to identify where each of the relevant and important values exist within the potential ACEC. Identifying the geospatial extent for each relevant and important value may assist in providing quantified data for the RMP process and associated NEPA analysis and can help identify the appropriate size of the potential ACECs. This documentation can include photos, research citations, and maps (e.g., showing habitat boundaries).

When an area does not meet the relevance or importance criteria, the rationale supporting that conclusion must be clearly documented for the decision file. For ACECs nominated by the public that the BLM has eliminated from consideration, the BLM must notify the nominating person(s) that the nominated ACEC did not meet the relevance or importance criteria for the values nominated and that it will not be considered as a potential ACEC during the RMP or relevant RMP amendment.

### 3.5 ACEC RNA Evaluation and Determination

If an existing or nominated ACEC meets both the relevance and importance criteria (43 CFR 1610.7-2(d)(1)-(2)), the authorized officer has the discretion to evaluate the area to determine if it also meets the criteria to be considered as an ACEC RNA. However, if an external ACEC nomination specifically nominates the area as an ACEC RNA, or the area (or a portion of the area) is already designated as an RNA; then the authorized officer must also evaluate the area using the RNA criteria.

- A. *RNA Evaluation.* In addition to meeting the ACEC relevance and importance criteria described in Section 3.4, ***ACEC Evaluation and Determination***, to be identified as a potential ACEC RNA, it must also be appropriate to designate the primary purpose of the area as research and education, and the area must meet one or more of the land characteristics criteria specified at 43 CFR 8223.0-5(a). The evaluation of the RNA criteria should use a two-part test to 1) ensure the area is appropriate for one or more research and education primary purpose(s), and, if so, 2) ensure the appropriate land characteristics are present. The Evaluation and Determination Worksheet is available as a tool for this effort (refer to **Appendix 2, *ACEC Evaluation and Determination Worksheet***).

1. **Research and Education Purposes.** In order for an area to meet the research and education purposes component of the RNA criteria, it must be appropriate

for one or more of the following research and education purposes for which the area would be established and maintained:

- a. Represents a high-quality representative area that has scientific interest and importance that individually or collectively form a national network of areas for research and education;
- b. Serves as a reference area for the study of natural processes including disturbance and climate change;
- c. Provides for onsite and extension educational activities;
- d. Serves as a baseline area for measuring long-term ecological changes;
- e. Provides opportunities to monitor effects of resource management techniques and practices (e.g., treatments which may occur internal or external to the area, including manipulative research); or
- f. Meets another (specified) research or education purpose where public lands have natural characteristics that are unusual or that are of scientific or other special interest.

2. **Characteristics Identified at 43 CFR 8223.0-5.** Examples of how the characteristics identified at 43 CFR 8223.0-5(a) may support one or more of the research or education purposes identified above include the following:

- a. A typical representation of a common plant or animal association.  
Example: A representation of important wildlife corridors including plant communities critical for winter wildlife forage that provides a baseline for measuring long-term ecological change.
- b. An unusual plant or animal association.  
Example: Old growth or other relic plant communities such as red cedar forests significantly east of its current range that provides opportunities to monitor effects of resource management techniques and practices.
- c. A threatened or endangered plant or animal species.  
Example: Areas where rare plants or animal species that reach their distributional limits because of unique edaphic or hydrologic features serve as reference areas for the study of natural processes including disturbance and climate change.
- d. A typical representation of common geologic, soil, or water features.  
Example: A representative area within a biome or climate zone with intensive research efforts that provides onsite and extension educational activities.

- e. Outstanding or unusual geologic, soil, or water features.  
Example: Cliffs, rock promontories important for raptor nesting, serpentine soils or thermal water sources that contribute to a national network of areas for research and education.

B. *Make a documented determination.* Following the evaluation of the RNA-specific criteria, make a documented determination as to whether the potential ACEC meets the RNA criteria and explain why the area does or does not meet the criteria. A documented, detailed evaluation is required. The Evaluation and Determination Worksheet is available as a tool for this documentation effort (refer to **Appendix 2, ACEC Evaluation and Determination Worksheet**).

If an area meets ACEC relevance and importance criteria and the RNA research and education primary purpose and land characteristics criteria, the authorized officer may choose to identify the area as a potential ACEC RNA in the RMP or relevant RMP amendment process (43 CFR 1610.7-2(e)). The purpose of adding an RNA designation to an ACEC, i.e., identifying it as a potential ACEC RNA, is to distinguish areas that, in addition to having relevance and importance, also present opportunities for scientific research and education on public lands having natural characteristics that are unusual or that are of scientific or other special interest.

A dual ACEC RNA designation is discretionary. However, the authorized officer must provide rationale for not identifying a potential ACEC as a potential ACEC RNA if the area meets the RNA criteria. For example, the BLM may decide that even though the area has scientific value, active research should not be the management priority for the area. In which case, the BLM would evaluate the area only as an ACEC following the procedures in **Chapter 4**.

If an area does not meet the relevance and importance criteria but does meet the research and education and RNA characteristics criteria, the authorized officer may choose to identify the area as an RNA, rather than an ACEC RNA, in the RMP or relevant RMP amendment.

## Chapter 4 Describing and Analyzing Potential ACECs

This chapter identifies the requirements for describing potential ACECs in RMPs and relevant RMP amendments and associated NEPA analyses. In RMP and relevant RMP amendment NEPA analyses, “potential ACECs” refers to both existing ACECs and nominated areas that meet the relevance and importance criteria (43 CFR 1610.7-2(d)(1)-(2)).

The BLM must evaluate the need for special management attention for the potential ACECs (43 CFR 1610.7-2(g)). This evaluation involves analyzing the effects of other allocations and designations on the potential ACECs’ relevant and important values in order to provide for informed and publicly transparent decision making regarding the benefits and trade-offs associated with ACEC designation (43 CFR 1610-7-2(g)). The need for special management attention is a criterion that must be met before the BLM will designate an area as an ACEC in the approved RMP or relevant RMP amendment and Record of Decision as described in 43 CFR 1610.7-2(d)(3) and in **Chapter 5, *ACEC Designation and Removal***.

### 4.1 Description of Potential ACECs in the Affected Environment

The BLM must identify all potential ACECs (both existing and nominated ACECs that meet the relevance and importance criteria) in the Affected Environment section of the NEPA analysis. The BLM must clearly summarize the criteria for relevance and importance that have been found for each. For potential ACEC RNAs (both existing and nominated ACECs that meet the relevance and importance and RNA criteria) the BLM will describe the research and education purposes and relevant characteristics of the potential ACEC RNA. For potential ACECs, the BLM will provide enough detail to make it clear how the relevance and importance criteria are met for each value and where each value exists within the potential ACECs. The BLM will use the evaluations completed for the existing and nominated ACECs to help complete the summary (refer to section **3.4, *ACEC Evaluation and Determination***).

### 4.2 Addressing Existing ACECs that do not meet the Relevance and Importance Criteria

For existing ACECs that do not meet the relevance and importance criteria when re-evaluated (refer to section **3.4, *ACEC Evaluation and Determination***), the BLM will identify them as existing ACECs that do not meet the relevance and importance criteria in the Affected Environment section and summarize the evaluation determination for each. The evaluation determination must document the on-the-ground changes that have occurred, consistent with 43 CFR 1610.7-2(k)(2). The existing ACECs that do not meet the relevance and importance criteria will be proposed for removal consistent with section **5.2, *Removal of Designation***. These areas will not be proposed for continued designation in any of the action alternatives. Refer to section **4.4, *Consideration of Potential ACECs in the Alternatives***, for addressing existing ACECs where the relevance and importance criteria are no longer met within a portion of the existing boundary.

### 4.3 Addressing Externally Nominated ACECs that do not meet the Relevance and Importance Criteria

Nominated ACECs that do not meet the relevance and importance criteria when evaluated (refer to section 3.4, *ACEC Evaluation and Determination*), will be identified in the “alternatives considered but not analyzed in detail” section of the NEPA document. A summary of the evaluation determination for each should be provided as the rationale for not analyzing the nominated area in detail.

### 4.4 Consideration of Potential ACECs in the Alternatives

All of the internally and externally nominated areas found to meet the relevance and importance criteria must be proposed for designation in at least one alternative (43 CFR 1610.7-2(d) (1)-(2) and 43 CFR 1610.7-2 (g)).

An existing ACEC that was found through re-evaluation (refer to section 3.4, *ACEC Evaluation and Determination*) to meet the relevance and importance criteria will be identified in the No Action alternative and can be proposed for continued designation in other alternatives. For existing ACECs, where the re-evaluation revealed that the relevant and important value criteria are either no longer met within a portion of the boundary, or they are found to occur beyond the existing boundary; propose changes in the boundary in one or more action alternative.

Variation in how the alternatives in the NEPA document address the potential ACECs is appropriate. That variation could include proposing an ACEC for designation under some but not all of the alternatives, varying the size of the ACEC boundary based on the design of the alternatives, and varying the types of special management attention and management prescriptions proposed based on the design of management under the alternatives. This variation will facilitate a robust analysis and transparency in support of informed designation and removal determinations by State Directors (refer to **Chapter 5, ACEC Designation and Removal**).

Each alternative in the NEPA document for the RMP or relevant RMP amendment must identify the name, boundary, total acreage, and proposed special management of the potential ACECs that are proposed for designation.

- A. *ACEC Boundaries*. Boundaries of potential ACECs shall be identified for public lands as appropriate to encompass the relevant and important values and geographic extent of the special management attention needed to provide protection (43 CFR 1610.7-2(f)). It is appropriate to vary the boundaries and total acreage of the potential ACECs by alternative. As noted in section 3.3, *Identify Name and Boundary*, an ACEC designation applies only to BLM-managed public lands, though the boundaries of an ACEC can be drawn to include non-federal lands and, where the relevant federal agency agrees in writing, federal lands administered by other bureaus or agencies.

In identifying the boundary for a potential ACEC, consider the surrounding or adjacent public lands and the existing and proposed management direction for those lands including potential resources uses. Under an alternative that provides protection for the



relevant and important values through other proposed management measures, such as closures or use restrictions, the size of the potential ACEC may be smaller. Under an alternative that does not propose other management measures that would protect the relevant and important values, the size of the potential ACEC may be larger.

Boundaries of ACECs may overlap other designations. Consider existing and proposed presidential, congressional, and administrative designations to determine where complete or partial overlapping of a potential ACEC boundary might be necessary to protect relevant and important values, including any research and educational purpose for potential ACEC RNAs. The application and extent of a proposed overlapping designation can vary among the alternatives. For example, a potential ACEC designation could overlap in part or in total with a Wilderness Area, Wilderness Study Area designation, a priority habitat area for Greater Sage-grouse, a National Conservation Area, a designated habitat connectivity corridor, or an area proposed for designation in pending legislation. An overlapping designation may be appropriate when the protections afforded for these areas would not provide sufficient protection for relevant and important values of the potential ACEC, including cases where the management direction for those areas may even be at odds with the protection of the relevant and important values. For example, an ACEC designation may be needed within a recreation management area to protect relevant and important values while the larger area is managed to provide specific recreation outcomes.

Boundaries of potential ACECs should be described in aliquot parts (e.g., T. 14 N., R. 70 E., Sec. 7, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ). Clearly delineate the boundaries of each potential ACEC proposed for designation under the alternatives on a map (or maps) accompanying the NEPA document, whether on printed maps in the document or using web mapping technology available to view on the internet.

- B. *ACEC Special Management Attention.* Identify special management direction and prescriptions for other uses within the boundaries of the proposed ACECs that are needed to protect and prevent irreparable damage to the relevant and important values. The proposed special management direction and prescriptions for other uses should typically vary by alternative to support analysis of a range of management options and to reflect varying special management needs in the context of other resource management direction. For example, a potential ACEC may require different management prescriptions in an alternative with extensive open or available resource use than in an alternative with a baseline of protective measures.

The special management direction is documented in your alternatives as objectives, management direction, and allocations associated with the potential ACEC. Provide a clear, concise summary of the special management attention for each potential ACEC. Clearly document the necessary protection provided by the special management attention including management prescriptions for other uses.

As required by 43 CFR 1610.7-2(j)(3), the objectives for each potential ACEC proposed for designation should conserve, protect, and enhance the relevant and

important values, including by protecting the research and education purposes of a potential ACEC RNA. This requirement does not apply to potential ACECs whose relevant and important values are related to natural hazards potentially impacting life and safety.

Management direction and allocations should only allow casual use or other uses that will ensure the protection of the relevant and important values (43 CFR 1610.7-2(j)(3)). Examples of special management attention and prescriptions for other uses may include livestock grazing management prescriptions, right-of-way exclusions, changes in travel and transportation designations, oil and gas leasing closures and/or stipulations, VRM classifications, and other types of restrictions on resource uses that could compromise the relevant and important values of the potential ACEC, including the relevant purpose and characteristics of a potential ACEC RNA.

Management direction should also consider proactive measures that could enhance relevant and important values. This could include providing interpretation of important cultural sites or restoration of natural areas.

Management direction for ACECs must prioritize acquisitions of inholdings within ACECs and adjacent or connecting lands identified as holding relevant and important values related to the ACEC (43 CFR 1610.7-2(j)(4)).

If applicable, and in collaboration with Tribes and Indigenous Peoples, identify management direction for co-stewardship and/or the use of Indigenous Knowledge.

If overlapping designations are proposed in an alternative, describe what the hierarchy of the management direction for the designations would be and how any potential conflict in the management direction would be addressed.

For existing and potential ACEC RNAs, the following additional management direction outlined in 43 CFR 8223.1 is required:

1. No person shall use, occupy, construct, or maintain facilities in a research natural area except as permitted by law, other Federal regulations, or authorized under provisions of 43 CFR 8223.
2. No person shall use, occupy, construct, or maintain facilities in a manner inconsistent with the purpose of the research natural area.
3. Scientists and educators shall use the area in a manner that is nondestructive and consistent with the purpose of the research natural area.

For ACEC RNAs, identify if specific research permit criteria are required to protect scientific values (e.g., 16 USC 7202(a), 43 USC 1701(a)(8)), the RNA research and education purpose(s) (43 CFR 8223.0-5(a)), and RNA land characteristics (43 CFR 8223.0-5(a)(1-5)) associated with the ACEC RNA proposed for designation.

#### 4.5 ACEC Analysis Requirements

The BLM analyzes issues to provide the context for understanding what management is required to protect the relevant and important values of potential ACECs and to understand the trade-offs between designating ACECs and other uses for the BLM-administered lands. The analysis should help the public understand the issues and the designation decisions.

Examples of possible ACEC analysis issue statements include:

- a. How would the alternatives affect the relevant and important values of potential ACECs?
- b. How would special management attention in the alternatives affect existing or future opportunities for development of other values, resources, or resource uses within the planning area?

The BLM should analyze the effects of the objectives and management direction in each alternative on the relevant and important values of the potential ACECs including both the effects of the ACEC-specific management direction proposed and the effects of management direction specific to other resources (special management attention, prescriptions for other uses, and effects from any overlapping designations).

Analyzing the full spectrum of the reasonable range of alternatives for ACEC designation and management will help identify the appropriate level of management prescriptions necessary to protect, conserve, and enhance the potential ACEC's relevant and important values.

The analysis should provide the requisite information to determine if special management attention is needed to protect and prevent irreparable damage to relevant and important values, or to protect life and safety from natural hazards (43 CFR 1610.7-2(d)(3)). It may be useful to consider an analysis of impacts to a potential ACEC's relevant and important values without special management in order to provide context for the need for specific management prescriptions.

#### 4.6 Inventory and Monitoring Plan

Develop a monitoring plan for ACECs when you are at the stage of developing the proposed RMP or relevant proposed RMP amendment as required by 43 CFR 1610.4-9. The monitoring plan should identify monitoring questions and program reporting items specific to each ACEC and its relevant and important values. The frequency and type of monitoring should be appropriate and commensurate with the sensitivity of the relevant and important values within the ACEC proposed for designation (43 CFR 1610.4-9) and responsive to rapid changes to the subject landscapes, such as from drought or wildland fire. The monitoring plan should identify when and where monitoring will take place (43 CFR 1610.4-9) and standards for evaluation.

The proposed RMP or relevant RMP amendment should also address the need for the inventories used to obtain information and data on the relevance and importance of values, resources,

systems or processes, and natural hazards to be kept current consistent with section 201(a) of FLPMA “so as to reflect changes in conditions and to identify new and emerging resource and other values” (43 USC 1711(a)).

#### **4.7 ACEC RNA Description and Analysis**

When an area meets the relevance and importance criteria for an ACEC *and* the purpose and characteristics of an RNA, *and* the BLM decides it would like to analyze the area as a potential ACEC RNA and not simply as an ACEC as required, the areas should be described and analyzed consistent with the preceding sections. When addressing areas that *only* meet the RNA purpose and characteristics and do not meet ACEC criteria, do not follow the procedures in the preceding sections; instead, such areas can be analyzed and designated as stand-alone RNAs – with no ACEC component or association.

## Chapter 5 ACEC Designation and Removal

This chapter describes the criteria and process by which potential ACECs considered for designation in the RMP or relevant RMP amendment will be designated as an ACEC in the approved RMP or approved RMP amendment and associated Record of Decision. This chapter also describes the criteria and process by which an ACEC designation can be removed.

### 5.1 Designation

- A. As described in 43 CFR 1610.7-2(j), State Directors are responsible for determining which ACECs to designate through the resource management planning process based on:
  1. The presumption that all areas meeting the relevance and importance criteria and found to require special management attention will be designated;
  2. The value of other resource uses in the area;
  3. The feasibility of managing the designation; and
  4. The relationship to other types of designations and protective management available.
- B. In making designation decisions, the State Director will consider the effects of each alternative's management direction on the relevant and important values for the potential ACECs analyzed in the RMP or relevant RMP amendment and associated NEPA document as described in **Chapter 4**. The State Director will also consider the recommendations of Tribes, Alaska Native Corporations, and those of other interested and affected parties.
- C. An area that meets both ACEC criteria and ACEC RNA criteria may be designated as an ACEC RNA, but the designation presumption applies only to the designation of the area as an ACEC.
- D. The NEPA analysis for the RMP or relevant RMP amendment should provide the State Director with the information needed to determine if special management attention is needed to protect and prevent irreparable damage to relevant and important values, or to protect life and safety from natural hazards (43 CFR 1610.7-2(d)(3)). The standard for meeting the ACEC special management attention criterion is more than finding special management attention will benefit the identified values. Rather, it requires a finding that special management attention is necessary for their stewardship and the management would not otherwise be applied but for the designation of the ACEC. Refer to **Chapter 2, ACEC Designation Criteria**.
- E. In deciding whether to designate a potential ACEC, it may be determined that management direction under an alternative that does not provide specific special

management for the ACEC is sufficient to protect and prevent irreparable damage to the relevant and important values. For example, it may be determined that the relevant and important critical habitat for a listed species is protected by management direction that closes the area to motorized use.

- F. If the State Director finds that a potential ACEC requires special management attention, then there is a presumption that it will be designated as an ACEC. (43 CFR 1610.7-2(j)(1)(i)). The BLM has discretion to make decisions that account for trade-offs, including trade-offs between protecting the relevant and important values identified in a potential ACEC and allowing for other values, resources, or resource uses within the planning area.

In the contemporaneous decision file and in the Record of Decision for the RMP or relevant RMP amendment, a justification and rationale for all ACEC designation decisions and decisions not to designate a potential ACEC must be provided (43 CFR 1610.7-2(j)(2)). The rationale should refer to the analysis in the NEPA document that supports the decision.

- G. In designating an ACEC, the special management direction and use prescriptions for the ACEC must be identified in the approved RMP or approved RMP amendment. As required by 43 CFR 1610.7-2, identify management direction that conserves, protects, and enhances the relevant and important values, including by protecting the research and education purposes of an ACEC RNA. This requirement does not apply to ACECs whose relevant and important values are related to natural hazards potentially impacting life and safety. The management direction should only allow casual use or (other) uses that will ensure the protection of the relevant and important values and should prioritize acquisition of inholdings within ACECs and adjacent or connecting lands identified as holding relevant and important values related to the designated ACEC (43 CFR 1610.7-2(j)(3)-(4)). The monitoring plan for the RMP or relevant RMP amendment should describe the monitoring protocol for the designated ACECs.

## 5.2 Removal of Designation

As described in 43 CFR 1610.7-2(k), State Directors, through the resource management planning process, may remove the designation of an ACEC, in whole or in part, only when 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 the State Director finds that the relevant and important values are no longer present, cannot be recovered, or have recovered to the point where special management is no longer necessary.

- A. State Directors should consult with Tribes, Alaska Native Corporations, and other interested and affected parties and consider their recommendations prior to the removal of the designation.
- B. In the contemporaneous decision file, and in the Record of Decision for the RMP or relevant RMP amendment and in the Decision Record for relevant environmental

assessment level RMP amendments, a justification and rationale for the removal of an ACEC designation, in whole or in part, must be provided. The rationale should refer to the analysis in the NEPA document that supports the assertion that special management attention is not needed because another legally enforceable mechanism provides an equal or greater level of protection and/or data or documented on-the-ground changes identified in the evaluation of the ACEC and documented in the NEPA analysis that show the relevant and important values are no longer present, cannot be recovered, or have recovered to the point where special management is no longer required (43 CFR 1610.7-2(k)(1)-(2)). For example, another legally enforceable mechanism that could provide equal or greater value could be the management direction proposed to meet the protective objectives of a National Monument designation. However, the mere presence of a presidential, congressional, or administrative designation, does not necessarily justify removal of the ACEC designation. The analysis in the RMP or relevant RMP amendment and associated NEPA document must show that the separate management direction for these areas provides a level of protection equal to or greater than the ACEC designation.

- C. The following examples illustrate scenarios where removal of a designation may or may not be appropriate. (Please note, supporting documentation for the rationale in the examples provided would be required.)
1. The Steamboat Geyser Hot Springs ACEC designation is being removed as it no longer meets the relevance and importance criteria because development on private land has caused the geyser hot springs to no longer exist on BLM administered land.
  2. The Steamboat Geyser Hot Springs ACEC designation is being removed as a substantially identical area has been congressionally designated an “Outstanding Natural Area” for the purposes of protecting those resources and values for which the ACEC had been previously designated and the management direction for the Outstanding Natural Area protects and prevents irreparable harm to the relevant and important values.
  3. The Steamboat Geyser Hot Springs ACEC designation is being modified as a larger landscape has been designated a “National Conservation Area” (NCA) with some resources and values specifically protected by the NCA designation. The revised ACEC designation removes some areas from designation while retaining portions of the original designation to protect values not addressed in the management direction for the NCA.

## Chapter 6 ACEC Public Notification Requirements and Public Involvement Opportunities

This chapter describes the *Federal Register* documentation requirements and public involvement opportunities for ACECs as part of the resource management planning process.

### 6.1 *Federal Register* Notification and Public Involvement

The resource management planning process provides a multitude of opportunities for the public to provide input on the identification of ACECs and their proposed management. The planning regulations require specific disclosures in the *Federal Register* announcing the Notice of Intent to prepare, amend, or revise an RMP. The planning regulations also require the announcement of Notices of Availability for the draft RMP or relevant RMP amendment, for the proposed RMP or relevant proposed RMP amendment, and for the Record of Decision (43 CFR 1610.2). A Notice of Availability is not required for environmental assessment (EA) level RMP amendments at the draft, proposed, or decision record stages (refer to **F. Notification and Outreach for EA Level RMP Amendments** below). Potential ACECs that will be considered for designation in an RMP or relevant RMP amendment will be identified in all required *Federal Register* notices during the RMP or relevant RMP amendment process (40 CFR 1610.7-2(b)) and in all public outreach materials. “Potential ACECs” are those existing ACECs and nominated ACECs that BLM found, through evaluation, to meet the relevance and importance criteria (refer to section **3.4, ACEC Evaluation and Determination**).

A. *Nomination of Potential ACECs during the Resource Management Planning Process.* The BLM actively solicits ACEC nominations from the public early in the resource management planning process (refer to section **3.2** and **Figures, Figure 1**).

B. *Notice of Intent.* The Notice of Intent, which formally initiates the scoping process, invites other Federal agencies, Tribes, Alaska Native Corporations, state and local governments, and the public to nominate areas for ACEC evaluation. The Notice of Intent must identify the potential ACECs that will be considered, solicit ACEC nominations, and request that nominations identify the approximate boundary of the potential ACEC and its relevant and important values. The notice should also identify any existing ACECs that are proposed to be removed, in whole or in part, from designation.

For RMP amendments, where ACECs are outside of the scope of the amendment, the Notice of Intent should explicitly note that the BLM is not addressing ACECs as part of the plan amendment and is not soliciting ACEC nominations.

C. *Notice of Availability of the Draft RMP or Relevant Draft RMP Amendment.* List each potential ACEC and the relevant and important values associated with each. Identify any existing ACECs that are proposed to be removed, in whole or in part, from designation.

When the draft RMP or relevant draft RMP amendment is released for comment, the public has an opportunity to submit ACEC nominations and provide a wide array of



comments related to the way in which the draft documents identify and address ACECs, including providing comments on the existing and potential ACECs identified; the description of the relevant and important values; the management direction and prescriptions for other uses proposed for the potential ACECs; and the analysis of the effects of the alternatives on the relevant and important values of the existing and potential ACECs.

- D. *Notice of Availability of the Proposed RMP or Relevant Proposed RMP Amendment/Final EIS.* List the ACECs that are proposed for designation in the Proposed RMP alternative, the potential ACECs that are not proposed for designation, and any existing ACECs that are proposed to be removed, in whole or in part, from designation.

When the proposed RMP or relevant proposed RMP amendment is issued, the public has an opportunity to protest the BLM's proposed ACEC designations or proposed ACEC removals and associated ACEC management direction.

- E. *Notice of Availability of the Record of Decision (ROD).* If a Notice of Availability is published for the ROD, list the ACECs designated in the approved RMP/ROD or approved RMP amendment/ROD.

When the ROD is issued, ensure that the public outreach materials identify the ACEC designation and/or ACEC removal decisions.

- F. *Notification and Outreach for Relevant EA Level RMP Amendments.*  
A Notice of Intent is required for EA level RMP amendments. The Notice of Intent for relevant RMP amendments must identify the potential ACECs that will be considered, solicit ACEC nominations, and request that nominations identify the approximate boundary of the potential ACEC and its relevant and important values. The notice should also identify any existing ACECs that are proposed to be removed, in whole or in part, from designation.

For EA level RMP amendments, where ACECs are outside of the scope of the amendment, the Notice of Intent should explicitly note that the BLM is not addressing ACECs as part of the plan amendment and is not soliciting ACEC nominations.

A Notice of Availability is not required for an EA level draft RMP amendment under 43 CFR 1610.2. However, the authorized officer should ensure that public outreach materials for relevant EA level draft RMP amendments clearly identify potential ACECs, and the relevant and important values associated with each. Outreach materials should also identify any existing ACECs that are proposed to be removed, in whole or in part, from designation.

When the relevant proposed EA level RMP amendment is issued, ensure that the public outreach materials identify the opportunity to protest the BLM's proposed ACEC designations and/or removals and associated management direction.

When the decision record for the relevant EA level RMP amendment is issued, ensure that the public outreach materials identify the ACEC designation and/or ACEC removal decisions.

- G. *Nomination of Potential ACECs Outside of the Resource Management Planning Process.* Although ACEC designation determinations are only made through the resource management planning process, the public may submit a nomination for an ACEC at any time. Nominations that are received outside of a planning process will be addressed in accordance with the guidelines identified in **Chapter 9, Nominations Received Outside of the Resource Management Planning Process.**

## **Chapter 7 ACEC Opportunities for Tribal and Alaska Native Corporation Engagement, Including Co-stewardship and Incorporation of Indigenous Knowledge**

This chapter describes the requirements for consultation and coordination with Tribes and Alaska Native Corporations with respect to ACECs. This chapter also describes how to address co-stewardship opportunities and incorporate Indigenous Knowledge in the identification, evaluation, analysis, and designation of ACECs through the resource management planning process. In accordance with law and policy,<sup>6</sup> the BLM enters into co-stewardship agreements with federally recognized Tribes; the BLM consults with Tribes and Alaska Native Corporations; and the BLM incorporates Indigenous Knowledge into decision-making that is received by all Indigenous Peoples.

### **7.1 Tribal and Alaska Native Corporation Consultation and Coordination**

The BLM is committed to working with Tribes and Alaska Native Corporations. The BLM manages Federal lands in a manner that seeks to protect Tribal treaty rights, Alaska Native subsistence resources, and the cultural and religious interests of Tribes and Alaska Native Corporations. The BLM is guided by the principles set forth in Executive, Departmental, and BLM policy to engage Tribes and Alaska Native Corporations in meaningful consultation during pre-scoping and pre-public engagement efforts and throughout the development of RMPs, relevant RMP amendments, and implementation level actions. During these consultations, BLM should solicit Tribal and Alaska Native Corporation input on ACECs including nominations of areas of interest and the incorporation of Indigenous Knowledge. The BLM should also seek opportunities for co-stewardship agreements with federally recognized Tribes.

- A. *Nomination of ACECs.* During consultation with Tribes and Alaska Native Corporations, the BLM will solicit input on existing and potential ACECs.
- B. *Identification of Co-Stewardship Opportunities.* During government-to-government consultation with Tribes, the BLM will seek opportunities for co-stewardship of potential ACEC nominations and discuss opportunities for elevation of Indigenous Knowledge.
- C. *Development of Draft RMP or Relevant RMP Amendment.* The BLM will evaluate all the ACEC nominations and associated co-stewardship proposals submitted by Tribes and must provide opportunities to meet and discuss those proposals. BLM must also evaluate and provide opportunities to meet and discuss ACEC nominations submitted

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<sup>6</sup> Relevant policies include the Joint Secretarial Order 3403 on *Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters* (Nov. 15, 2021); BLM Permanent Instruction Memorandum No. 2022-011, *Co-Stewardship with Federally Recognized Indian and Alaska Native Tribes Pursuant to Secretary's Order 3403* (Sept. 13, 2022); and the Department of the Interior Departmental Manual Part 502, *Collaborative and Cooperative Stewardship with Tribes and the Native Hawaiian Community*.

by Alaska Native Corporations. The BLM will seek Tribal and Alaska Native Corporation input on the management direction and management prescriptions being proposed for all of the potential ACECs.

The BLM will encourage Tribes to suggest ways in which Indigenous Knowledge can be used to inform the development of alternatives and management direction, analysis of effects, and identification of mitigation measures for potential ACECs. Principles of free, prior, and informed consent, and other policy requirements, as identified in Departmental Manual 301 DM 7, shall be followed when soliciting and using Indigenous Knowledge.

The BLM will notify Tribes and Alaska Native Corporations in a timely manner as to how any suggestions the Tribes and Alaska Native Corporations provided are or are not being used in the development of the draft RMP or draft RMP amendment, including by addressing management of sensitive information and consistent with agreed-upon principles of free, prior, and informed consent.

- D. *Release of the Draft RMP or Relevant Draft RMP Amendment.* The BLM will notify the Tribes and Alaska Native Corporations in a timely manner of the availability of the draft RMP or relevant draft RMP amendment and solicit input on the draft document.
- E. *Development of the Proposed RMP or Relevant Proposed RMP Amendment.* The State Director will consider and incorporate Tribal and Alaska Native Corporation priorities, when possible, in identifying the proposed ACEC designations in the proposed RMP or relevant proposed RMP amendment.
- F. *Release of the Proposed RMP or Relevant Proposed RMP Amendment.* Tribes and Alaska Native Corporations have an opportunity to protest the BLM's proposed ACEC designations and management direction as part of the protest period for proposed RMPs and relevant proposed RMP amendments.
- G. *Development and Release of the Approved RMP or RMP Amendment.* The State Director will consider and incorporate Tribal and Alaska Native Corporation priorities, when possible, in designating ACECs and in identifying the management direction for designated ACECs in the Record of Decision and approved RMP or approved RMP amendment.

The BLM will notify the Tribes and Alaska Native Corporations in a timely manner as to how any suggestions the Tribes and Alaska Native Corporations provided were or were not used in the ACEC designation or removal of ACEC designation decisions. The BLM will ensure consultation with Tribes and Alaska Native Corporations occurs prior to the removal of a designation.

- H. *Management of ACECs.* The BLM will coordinate with Tribes on any co-stewardship identified for designated ACECs.

Where Indigenous Knowledge is a part of the basis for finding relevance, finding importance, or identifying special management attention for a designated ACEC; consultation with applicable Tribes shall occur when implementation actions are being considered.

## **7.2 Co-stewardship and Incorporating Indigenous Knowledge**

The BLM must seek to incorporate and address co-stewardship opportunities identified by Tribes and Indigenous Knowledge at all phases of the resource management planning process in accordance with Executive, Departmental, and BLM policies. Co-stewardship opportunities and Indigenous Knowledge can be used to inform the identification of eligible ACECs; the evaluation of the ACECs for relevant and important values; the identification of management prescriptions for potential ACECs in the development of the RMP or relevant RMP amendment alternatives; the analysis of the alternatives in the RMP or relevant RMP amendment; and the designation of the ACECs in the Record of Decision for the approved RMP or relevant approved RMP amendment.

## Chapter 8 monitoring and management

This chapter describes the monitoring and management policy for designated ACECs.

### 8.1 Activity Plans

An activity plan is an implementation-level plan that typically describes multiple projects that are proposed in order to meet RMP objectives. The BLM may prepare activity plans for ACECs and ACEC RNAs, where circumstances warrant. However, the development of an activity plan is not required. Consider the complexity of the necessary management practices, including special management attention, allocations for allowable resource uses, and other plan components, in determining whether an ACEC activity plan would be beneficial to clarifying and prioritizing specific management within the ACEC. For example, an activity plan may be helpful in coordinating multiple research and education activities in an ACEC RNA. When known during the resource management planning process, identify activity planning needs within the RMP or relevant RMP amendment.

### 8.2 Inventory & Monitoring

- A. *Inventory.* BLM offices must ensure that inventories used to obtain information and data on the relevance and importance of values, resources, systems or processes, and natural hazards (MS-1613.21(B)) are kept current consistent with section 201(a) of FLPMA “so as to reflect changes in conditions and to identify new and emerging resource and other values” (43 USC 1711(a)). Inventories and subsequent monitoring must be performed and updated on intervals appropriate to the resource value sensitivity to ensure data are available to identify trends and emerging issues during the plan evaluations that occur every five years (43 CFR 1610.4-9; Handbook-1601-1, Land Use Planning, rel. 1-1693). Consider whether there have been rapid changes to the subject landscapes, such as from drought or wildland fire, when determining the appropriate interval.
- B. *Monitoring.* Implement the ACEC component of the RMP or relevant RMP amendment monitoring plan as required by 43 CFR 1610.4-9. As noted in **Chapter 4**, the monitoring plan must identify monitoring questions and program reporting items specific to each ACEC and its relevant and important values. The frequency and type of monitoring must be appropriate and commensurate with the sensitivity of the relevant and important values within the ACEC (43 CFR 1610.4-9). The monitoring plan documents the BLM’s strategy for collecting data and information to measure the achievement of the management direction in the RMP or relevant RMP amendment. The monitoring plan must identify when and where monitoring will take place (43 CFR 1610.4-9) and the standards for evaluation (43 CFR 1601.0-5(n)) of the ACEC decisions. In addition to the implementation monitoring done through the RMP monitoring plan, effectiveness monitoring is important to ensure the relevant and important values are protected and to help the BLM determine if RMP and relevant RMP amendment objectives are being met. By so doing, the need, if any, for modification to the RMP will be identified early.

For ACEC nominations received outside of the resource management planning process, where the ACEC relevance and importance criteria are met, and temporary management is implemented, the timing of the periodic evaluation of the temporary management is at the State Director's discretion and should be based on the sensitivity of the identified relevant and important values. Subject to that discretion, temporary management protections should be reviewed annually in conjunction with the designated ACEC reporting (refer to sections **8.3, Data Management**, and **9.3, Temporary Management**). The State Director can modify or eliminate any further monitoring if they find the temporary measures are no longer appropriate.

### 8.3 Data Management

- A. *Annual Reporting.* Each BLM State Director is responsible for ensuring timely updates to geospatial and NEPA documentation databases with information related to designated ACECs. The data provide the information necessary for the BLM to provide annual status reports, to track accomplishments in managing ACECs, and to provide an available base of information for responding to Congressional and other inquiries. The annual status report identifies for each ACEC:
1. The name of the ACEC;
  2. Its size (in acres);
  3. The date of designation;
  4. The name of the designating land use plan (most current RMP that designated the ACEC);
  5. The relevant and important values being protected (including the research and education primary purposes(s) and land characteristics (43 CFR 8223.0-5(a)) for an ACEC RNA);
  6. The Tribal co-stewards of the ACEC;
  7. Any applicable Memoranda of Understanding;
  8. Implementation actions accomplished and any notable issues identified during the previous fiscal year, including actions contributing to the conservation, enhancement, and protection of the resources, values, or system processes, or protection from natural hazards; research and education activities associated with an ACEC RNA; and management challenges and resource concerns;
  9. Scheduled implementation measures for the ensuing fiscal year.

Each State Director must ensure the annual data reporting has been completed in the appropriate databases as soon as practicable after the approval of any RMP or relevant RMP amendment that makes changes to ACEC designations. State Offices must submit the annual reports to the Assistant Director for Resources and Planning via the Land Use Planning Program Lead by the yearly deadline established by the Assistant Director for Resources and Planning and using the reporting tools provided by the Land Use Planning Program Lead.

Additionally, the BLM must post the name of each designed ACEC on its externally facing website. The posting for each ACEC must include, at a minimum, the date of designation and the size (in acres) of the ACEC.

- B. *ACEC Data Standard.* All offices must use the ACEC data standard when creating and maintaining electronic datasets for designated ACECs. ACEC data collection must comply with the approved Department of the Interior data management system, ACEC data standards, and other data management policies, including those addressing sensitive cultural resources data. The ACEC data standard captures and documents the ACEC designation boundary and relevant and important values of the ACEC. Based on the most current policy, offices must include the management prescriptions for the ACEC in that data. These data should be developed early in the resource management planning process for each alternative so that they are readily available upon approval of the RMP or relevant RMP amendment.



## Chapter 9 ACEC Nominations Received outside of the Resource Management Planning Process

### 9.1 General

Generally, the BLM addresses ACEC nominations in the resource management planning process because ACECs are intended to be a proactive land management decision to enhance management of important lands and resources, considered in the context of other management decisions that may affect those same lands and resources. When an ACEC nomination is received outside of a planning process, the BLM has the discretion to determine the appropriate time to evaluate whether the relevant, important, and special management criteria identified in 43 CFR 1610.7-2(d)(1)-(3) are met (43 CFR 1610.7-2(i)(1)). The BLM also has the discretion to defer evaluating the nomination, including to an upcoming planning process (43 CFR 1610.7-2(i)(2)). This chapter and associated figure (refer to **Figures, Figure 2**) describe the process and options for responding to nominations that are received outside of a planning process. Please refer to **Chapter 3**, section **3.2.B External ACEC Nominations** and **Appendix 1, Nomination Checklist** for information on nomination content requirements.

The BLM has the authority and the responsibility to appropriately mitigate impacts to public land resources from land use authorizations, including by avoiding, minimizing, and offsetting those impacts, independent of ACEC designation status. Therefore, the BLM should consider potential impacts to resources identified in ACEC nominations in the ongoing management of the public lands. It is likely that the BLM is already aware of the presence of resources highlighted in nominations. For these reasons, it is not expected that the provisions outlined in 43 CFR 1610.7-2(i) will delay or burden the BLM's ongoing management when nominations are received outside of the resource management planning process. Rather, these provisions provide a proactive pathway for managing relevant and important values that require special management attention when these values are identified outside of a resource management planning process.

### 9.2 Addressing Nominations Received Outside of a Planning Process

These steps are summarized in **Figure 2 in Figures**. If BLM receives a nomination for an ACEC outside of an ongoing planning process, the BLM will send a letter to the nominating party notifying them of the BLM's receipt of the nomination. The State Director has the discretion to determine the appropriate time to evaluate whether the relevant, important, and special management criteria identified in 1610.7-2(d)(1)-(3) are met, including to defer evaluating the nomination to the next planning process covering the area (43 CFR 1610.7-2(i)(2)).

- A. *Evaluation Deferred.* If the BLM defers evaluation of a nominated ACEC, the BLM must evaluate the nomination no later than during the next RMP or relevant RMP amendment process. The BLM must also consider potential impacts to the resources identified in the nomination when projects are proposed in the nominated area, including proposed projects undergoing NEPA analysis at the time the nomination is received. This consideration would involve determining whether the nomination presents significant new information and whether impacts from the proposed action to the resources identified as potentially relevant and important in the nomination warrant

detailed environmental analysis under NEPA. For example, if the nomination presents scientific data about a species habitat that the BLM had not previously considered as it prepared a relevant NEPA analysis, the BLM should address that information in the NEPA analysis to the extent the issue warrants analysis. This does not mean that the BLM must consider the effects of the proposed action in an ACEC or ACEC designation context. It simply means the BLM must consider whether potential impacts to the resources identified in the nomination warrant detailed analysis as part of the NEPA process.

If the BLM decides to defer evaluation of a nominated ACEC, the BLM must send a letter to the nominating party notifying them of the decision.

- B. *Evaluation Conducted.* If the BLM conducts the evaluation and determines that either the relevance criterion or importance criterion **is not met**, the BLM's inquiry is complete. Absent new information, the nomination does not need to be considered during the next RMP or relevant RMP amendment process. The BLM will send a letter to the nominating party notifying them of the BLM's determination.

If the BLM conducts the evaluation, and the relevance and importance criteria **are met**, the BLM will evaluate the need for special management attention and determine if the area merits temporary management or if the existing management is sufficient to protect and prevent irreparable damage to the relevant and important values.

If the BLM is evaluating the need for special management during an ongoing NEPA process, the BLM will consider the potential impacts from the proposed project and if any modifications to the project, or temporary deferral of the project, are necessary or beneficial to the relevant and important values.

1. **Special management attention criterion is not met.** If the special management attention criterion is not met (i.e., the existing management is sufficient to protect and prevent irreparable damage to the relevant and important values), the BLM will consider the nominated area as a potential ACEC in the next RMP or relevant RMP amendment process. The BLM will send a letter to the nominating party notifying them of the finding.

Consideration of the special management attention criterion should take into account the potential impacts from anticipated, proposed, and ongoing projects and whether existing decisions and/or the range of alternatives under consideration during an ongoing NEPA process provide for protection of the relevant and important values. If existing decisions or alternatives are not sufficient to prevent irreparable damage to the relevant and important values, then the special management attention criterion is met.

2. **Special management attention criterion is met.** If the special management attention criterion is met (i.e., the existing management is not sufficient to protect and prevent irreparable damage to the relevant and important values),

the BLM must either initiate a resource management planning process to evaluate the area for designation as an ACEC or implement temporary management to protect relevant and important values from irreparable damage, in conformance with the applicable RMP and consistent with applicable law or do both (43 CFR 1610.7-2(i)(1)(i)-(ii)).

If the BLM is in the process of conducting a NEPA analysis for a project proposed in the area when the evaluation is completed, BLM will, if necessary, modify the proposed project to prevent irreparable damage to the relevant and important values. The BLM will seek to work with the project proponent to identify modifications to the proposal that are consistent with the proponent's objectives and the agency's purpose and need for the project while protecting the relevant and important values. If modifications to the proposed project and any other management actions short of project deferral cannot avoid irreparable damage, the BLM will defer authorizing the proposed project, consistent with applicable law, until the BLM completes a land use planning process to determine whether to designate the area as an ACEC or BLM finds that special management attention is not needed because the relevant and important values are no longer present, cannot be recovered, or have recovered to the point where special management is no longer necessary. Consultation with the Office of the Solicitor is recommended when considering a project deferral.

- a. If the BLM decides to initiate a planning process to address the ACEC nomination, the BLM will send a letter to the nominating party notifying them of the results of the BLM's evaluation and intention to initiate a resource management planning process.
- b. If the BLM decides it will implement temporary management to protect relevant and important values, the temporary management must be in conformance with the existing RMP and comply with applicable law, including NEPA, and the BLM must notify the public. Refer to sections **9.3, *Temporary Management*** and **9.4, *Temporary Management Public Notification Requirement***.

### **9.3 Temporary Management**

In accordance with (43 CFR 1610.7-2(i)(1)(ii)), when the BLM conducts an evaluation and finds that all three ACEC designation criteria are met, the BLM must either initiate a planning process or provide temporary management to protect the relevant and important values from irreparable damage, in conformance with the approved RMP and consistent with applicable law, including NEPA. Because temporary management can take a variety of forms, the BLM generally has discretion to select among various options, including discretion over the timing to implement these options, provided that the BLM ensure that it prevents irreparable damage to relevant and important values. In many instances, the temporary management protection would be implemented simply through exercising the BLM's inherent discretion to determine where and when internally driven projects are initiated and how they are designed. For example, a field

office could temporarily defer its consideration or authorization of certain types of discretionary projects (e.g., BLM-initiated juniper thinning or invasive weed treatment) in the nominated ACEC area. When proposing actions in the nominated area, the BLM should apply the mitigation hierarchy as appropriate to avoid or minimize impacts to protect the relevant and important values.

In other cases, to provide temporary management the BLM could consider modifying existing authorizations, consistent with applicable law and the terms and conditions of those authorizations, which could include updates to timing and use restrictions to protect relevant and important values. For example, the BLM might propose modifications to the timing associated with a Special Recreation Use permit, as the permit terms allow or when that permit goes through a renewal process. Implementing temporary management could also involve modifying or, where modification or other management actions are insufficient to prevent irreparable damage to the identified relevant and important values, temporarily deferring third-party project proposals that have the potential to cause irreparable damage to those values. For example, the BLM might defer an oil and gas lease parcel from a lease sale or propose modifications to the design of a solar array being proposed for development. The BLM will seek to work with project proponents to identify modifications that enable project proposals to move forward and will minimize the extent and duration of deferrals. Where temporary management is needed, and likely to result in multiple or significant project deferrals, the authorized officer will consider prioritizing a land use plan amendment to address the nominated ACEC.

The BLM has the discretion to apply temporary management in situations in which the resource management planning process is experiencing unusual or significant delays (43 CFR 1610.7-2(i)). This applies to both internally and externally nominated ACECs. For example, a resource management planning process that is evaluating potential ACECs for designation may be delayed for an extended period, or the BLM may recognize that due to funding or capacity limitations initiation of a resource management planning process is several years out. In those instances, the BLM may apply temporary management to an evaluated area that has been found to meet the relevance, importance, and special management attention criteria.

In accordance with 43 CFR 1610.7-2(i)(1)(ii), any temporary management that is implemented would be in effect until the BLM either completes an RMP or relevant RMP amendment or finds the temporary management to no longer be necessary.

In all cases, the BLM must ensure that any management actions taken are in conformance with the applicable RMP and any co-stewardship agreements in place for the area, and that any decision to take action complies with NEPA, the BLM's trust responsibilities to Tribes, and other applicable laws and regulations. Public notification of all temporary management actions taken is required (refer to **9.4, *Temporary Management Public Notification Requirement***).

#### **9.4 Temporary Management Public Notification Requirements**

When the BLM determines it will use temporary management to protect and prevent irreparable damage to the relevant and important values of a nominated area, the BLM will notify the public

by posting the following information on the agency's website: a map of the nominated ACEC; a summary of the evaluation of the nominated ACEC that finds that the relevance and importance criteria are met; and a notification that BLM will seek to prevent irreparable damage to the relevant and important values pending consideration of the area in an RMP or relevant RMP amendment. When any subsequent temporary management actions are implemented, the BLM must notify the public. This public notification will be done through the public notification associated with any required NEPA analysis or on the agency's website as necessary. For example, if the BLM determines it will defer a certain parcel from a lease sale due to the presence of relevant and important values that require special management attention, the public involvement associated with the NEPA process for that lease sale could serve as the avenue for public notification of temporary management.

### Glossary of Terms

*Casual use* means any short-term, noncommercial activity that does not cause appreciable damage or disturbance to the public lands or their resources or improvements and that is not prohibited by closure of the lands to any such activity (43 CFR 6101.4(a)).

*Conservation* means the management of natural resources to promote protection and restoration. Conservation actions are effective at building resilient lands and are designed to reach desired future conditions through protection, restoration, and other types of planning, permitting, and program decision-making (43 CFR 6101.4(b)).

*Co-management* means co-stewardship activities undertaken pursuant to Federal authority allowing for the delegation of some aspect of Federal decision-making or that makes co-management otherwise legally necessary (PIM 2022-011).

*Co-stewardship* means cooperative and collaborative engagements of BLM managers and Indian Tribes related to shared interests in managing, conserving, and preserving natural and cultural resources under the primary responsibility of Federal land managers. Such cooperative and collaborative engagements can take a wide variety of forms based on the circumstances and applicable authorities in each case. Forms of co-stewardship may include, among other forms, sharing of technical expertise; combining Tribal and Bureau capabilities to improve resource management and advance the responsibilities and interests of each; and making Tribal knowledge, experience, and perspectives integral to the public's experience of Federal lands (PIM 2022-011).

*Designated ACEC* means an ACEC that has been considered, analyzed, and designated through an approved RMP or approved RMP amendment and Record of Decision.

*Designation* means the direction of management toward one or more priority resource values or uses within a geographic area of public land (43 CFR 1601.0-5(n)(1)).

*Ecosystem resilience* means the capacity of ecosystems (for example, old growth forests and woodlands, sagebrush core areas) to maintain or regain their fundamental composition, structure, and function (including maintaining habitat connectivity and providing ecosystem services) when affected by disturbances such as drought, wildfire, and nonnative invasive species (43 CFR 1601.4(d)).

*Habitat connectivity* means how and to what degree distinct sources of food, water, and shelter for fish, wildlife, and plant populations are distributed and inter-connected, both spatially and temporally, across terrestrial and aquatic ecosystems.

*High-quality information* means information that promotes reasoned, evidence-based agency decisions. Information that meets the standards for objectivity, utility, and integrity as set forth in the Department's Information Quality Guidelines qualifies as high-quality information. Indigenous Knowledge qualifies as high-quality information when it is gained by prior, informed

consent free of coercion, and generally meets the standards for high-quality information (43 CFR 1601.4(f)).

*Indigenous Knowledge (IK)* means a body of observations, oral and written knowledge, innovations, technologies, practices, and beliefs developed by Indigenous Peoples through interaction and experience with the environment. It is applied to phenomena across biological, physical, social, cultural, and spiritual systems. IK can be developed over millennia, continues to develop, and includes understanding based on evidence acquired through direct contact with the environment and long-term experiences, as well as extensive observations, lessons, and skills passed from generation to generation. IK is developed, held, and stewarded by Indigenous Peoples and is often intrinsic within Indigenous legal traditions, including customary law or traditional governance structures and decision-making processes. Other terms such as Traditional Knowledge(s), Traditional Ecological Knowledge, Genetic Resources associated with Traditional Knowledge, Traditional Cultural Expression, Tribal Ecological Knowledge, Native Science, Indigenous Applied Science, Indigenous Science, and others are sometimes used to describe this knowledge system (301 DM 7).

*Indigenous Peoples* means people of Native American, Alaska Native, Native Hawaiian, Pacific Islander (e.g., American Samoans, Chamorros and Carolinians of Guam and the Northern Mariana Islands, and others), and Caribbean Islander (e.g., Taíno and others) descent, and others whose ancestors have occupied what is now known as the United States and its territories since time immemorial, including members of Tribal Nations (301 DM 7).

*Intact Landscape* means a relatively unfragmented landscape free of local conditions that could permanently or significantly disrupt, impair, or degrade the landscape's composition, structure, or function. Intact landscapes are large enough to maintain native biological diversity, including viable populations of wide-ranging species. Intact landscapes provide critical ecosystem services and are resilient to disturbance and environmental change and thus may be prioritized for conservation action. For example, an intact landscape would have minimal fragmentation from roads, fences, and dams; low densities of agricultural, urban, and industrial development; and minimal pollution levels (43 CFR 6101.4(j)).

*Intactness* means a measure of the degree to which human influences, which can include invasive species and unnatural wildfire, alter or impair the structure, function, or composition of a landscape. Areas experiencing a natural fire regime can be intact (43 CFR 6101.4(k)).

*Interdisciplinary Team* means the collaboration of multiple individuals in an “interdisciplinary approach” in planning and decision making. An interdisciplinary team may include but does not need to be limited to planners, resource subject matter experts representing a range of disciplines, and managers.

*Irreparable damage* means harm to a value, resource, system, or process that substantially diminishes the relevance or importance of that value, resource, system, or process in such a way that recovery of the value, resource, system, or process to the extent necessary to restore its prior relevance or importance is impossible (43 CFR 1610.7-2(d)(3)(ii)).

*Landscape* means an area that is spatially heterogeneous in at least one factor of interest which may include 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. Landscapes may be defined in terms of aquatic conditions, such as watersheds, or terrestrial conditions, such as ecoregions (43 CFR 6101.4(m)).

*Mitigation* means (1) avoiding the impacts of a proposed action by not taking a certain action or parts of an action; (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 (43 CFR 6101.4(n)).

*Monitoring* means the periodic observation and orderly collection of data to evaluate (1) existing conditions, (2) the effects of management actions, or (3) the effectiveness of actions taken to meet management objectives (43 CFR 6101.4(r)).

*Nominated ACEC* means an area nominated either externally by the public or internally by the BLM for consideration as an ACEC.

*Potential ACEC* means existing ACECs and nominated areas that meet the relevance and importance criteria that are evaluated during an RMP or relevant RMP amendment process (43 CFR 1610.7-2(d)(2)).

*Protection* means the act or process of conservation by maintaining the existence of resources while preventing degradation, damage, or destruction. Protection is not synonymous with preservation and allows for active management or other uses consistent with multiple use and sustained yield principles (43 CFR 6101.4(t)).

*Relevant RMP amendment* means an RMP amendment where the evaluation and designation of ACECs are within the scope of the amendment.

*Resource Management Plan (RMP)* means a land use plan developed under the Federal Land Policy and Management Act. The resource management plan generally establishes in a written document (1) Land areas for limited, restricted or exclusive use; designation, including ACEC designation; and transfer from Bureau of Land Management administration; (2) Allowable resource uses (either singly or in combination) and related levels of production or use to be maintained; (3) Resource condition goals and objectives to be attained; (4) Program constraints and general management practices needed to achieve the above items; (5) Need for an area to be covered by more detailed and specific plans; (6) Support action, including resource protection, access development, realty action, cadastral survey, etc., as necessary to achieve the above; (7) General implementation sequences, where carrying out a planned action is dependent upon prior accomplishment of another planned action; and (8) Intervals and standards for monitoring



and evaluating the plan to determine the effectiveness of the plan and the need for amendment or revision. It is not a final implementation decision on actions which require further specific plans, process steps, or decisions under specific provisions of law and regulations (43 CFR 1601.0-5).

*Restoration* means the process or act of conservation by passively or actively assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed to a more natural, native ecological state (43 CFR 6101.4(w)).

*Special management attention* is one of three ACEC designation criteria (43 CFR 1610.7-2(d)(3)).

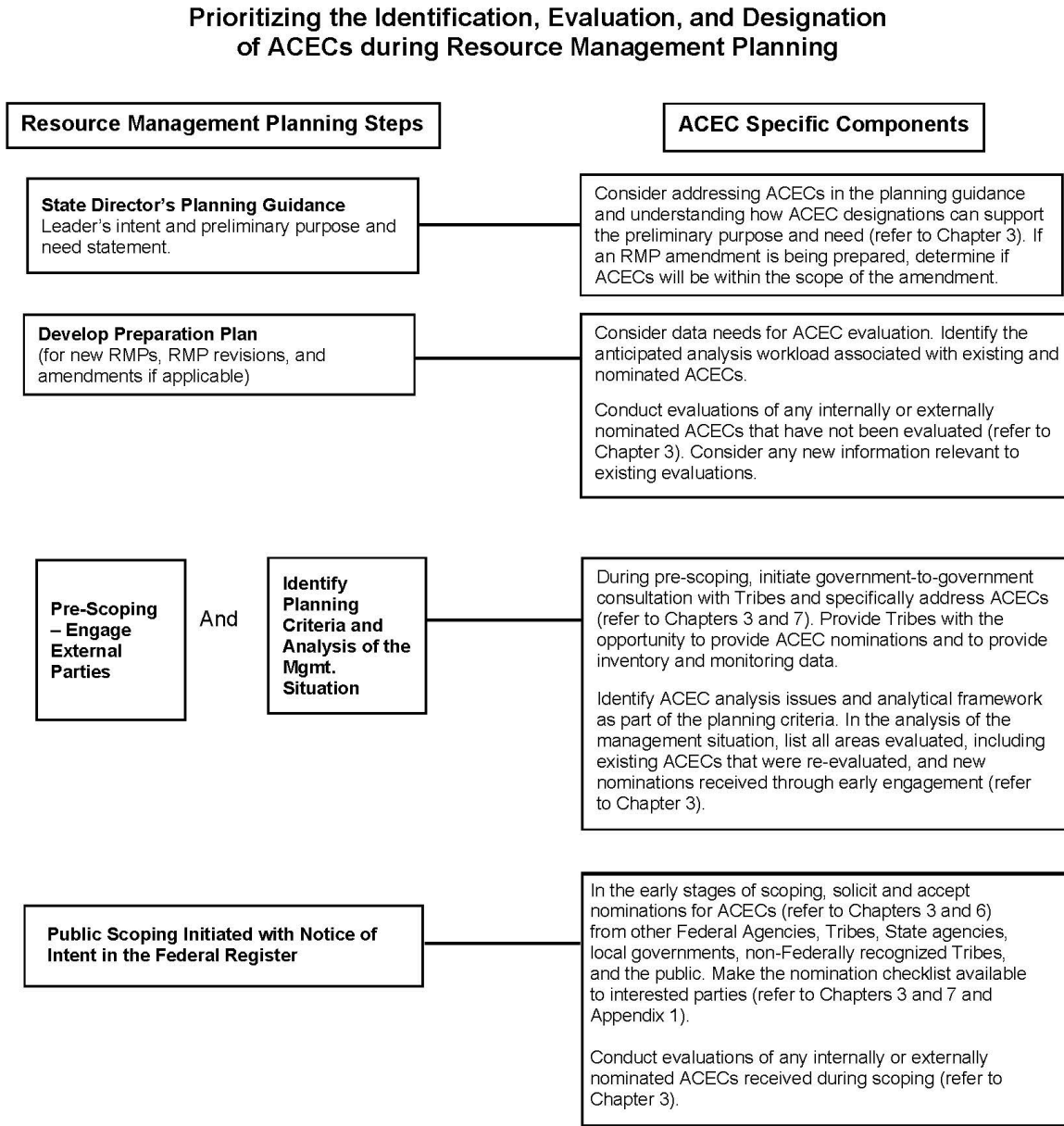
*Subsistence value* means a value that contributes to “subsistence uses” as that term is used and defined in Title VIII of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA).

*Tribe* means a Tribal Nation that is defined as an American Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges as a Federally recognized Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. and 512 DM 4.

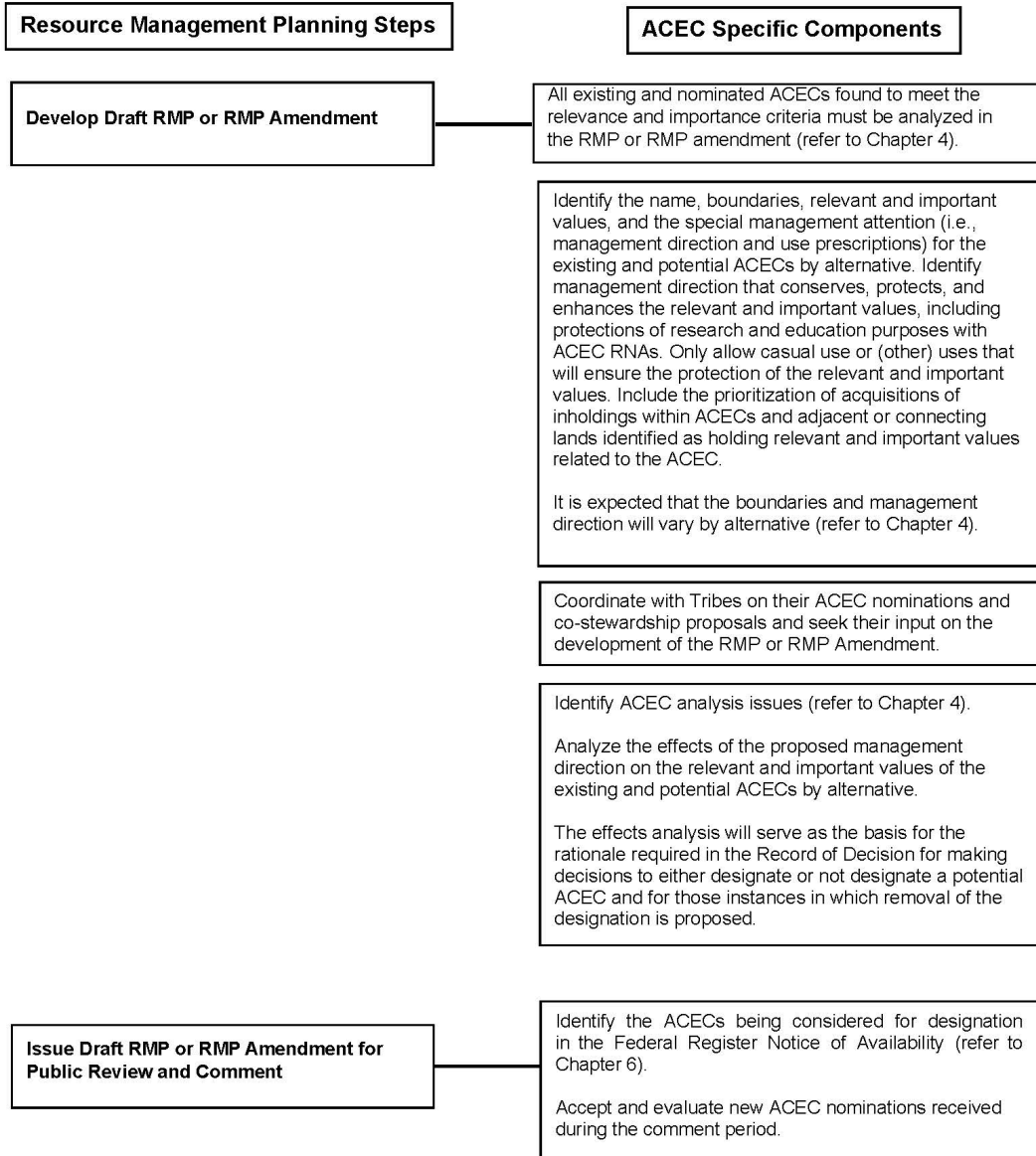
**Figures**

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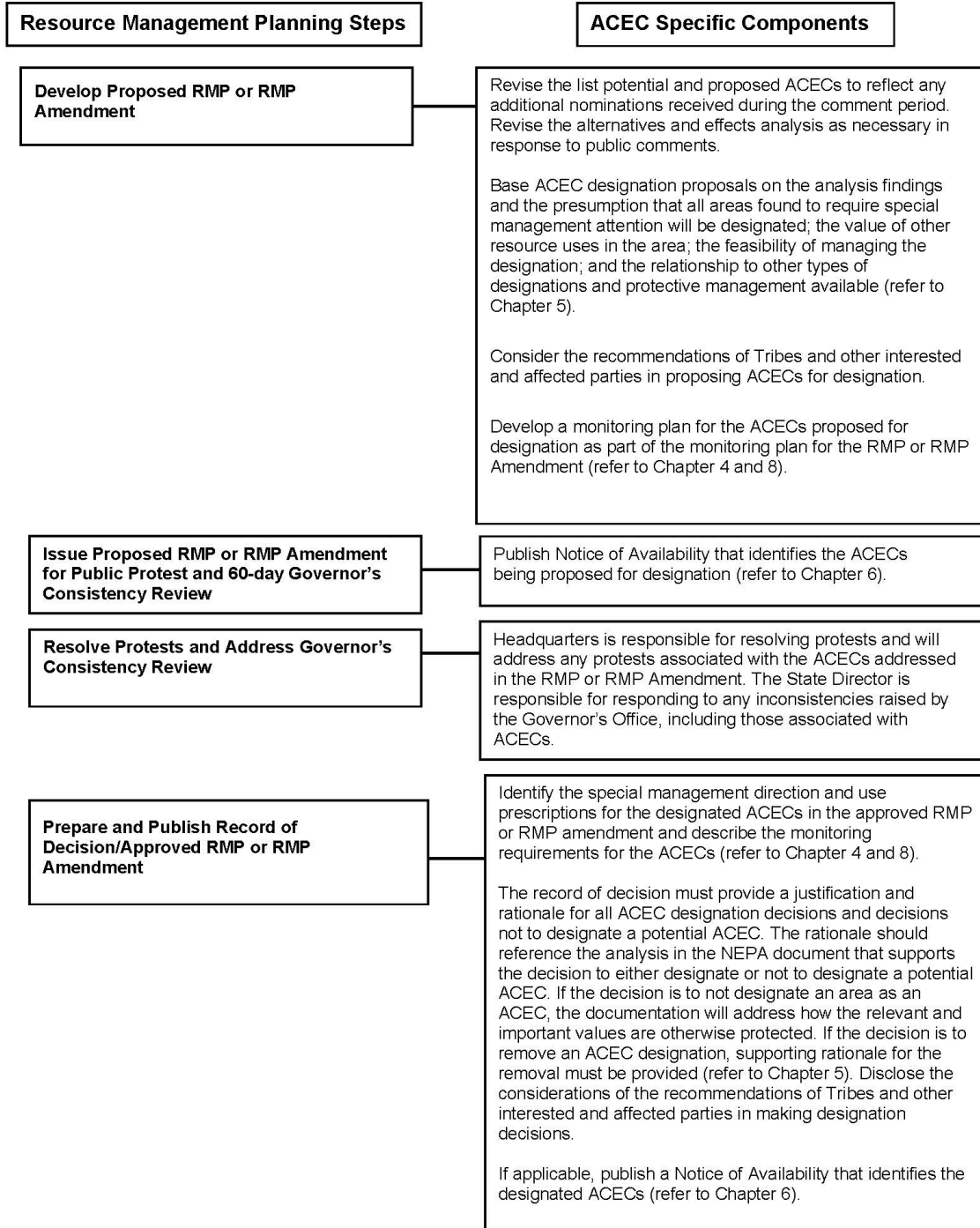
**Figure 1 - Prioritizing the Identification, Evaluation, and Designation of ACECs during Resource Management Planning**



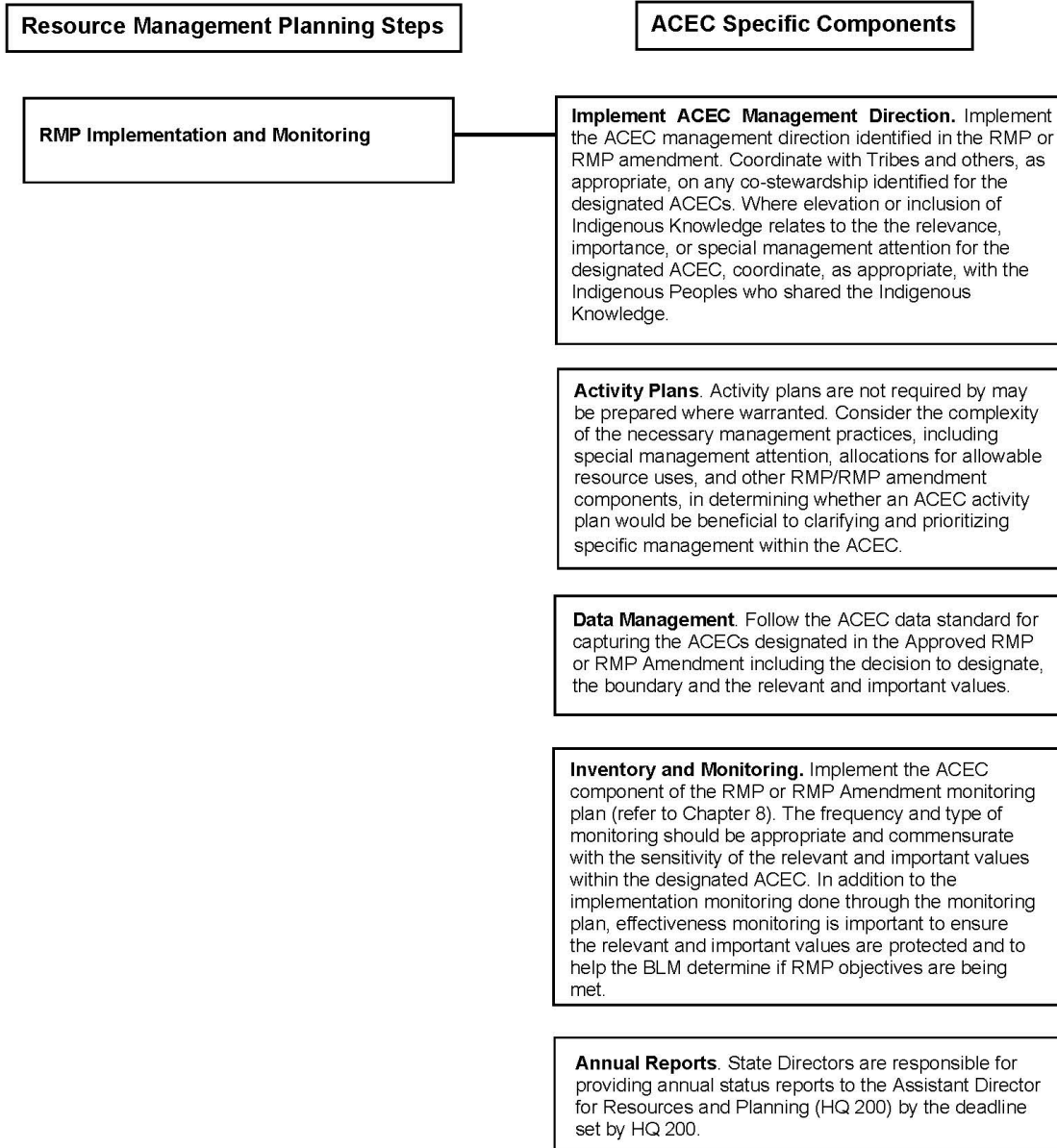
**Prioritizing the Identification, Evaluation, and Designation of ACECs during Resource Management Planning**



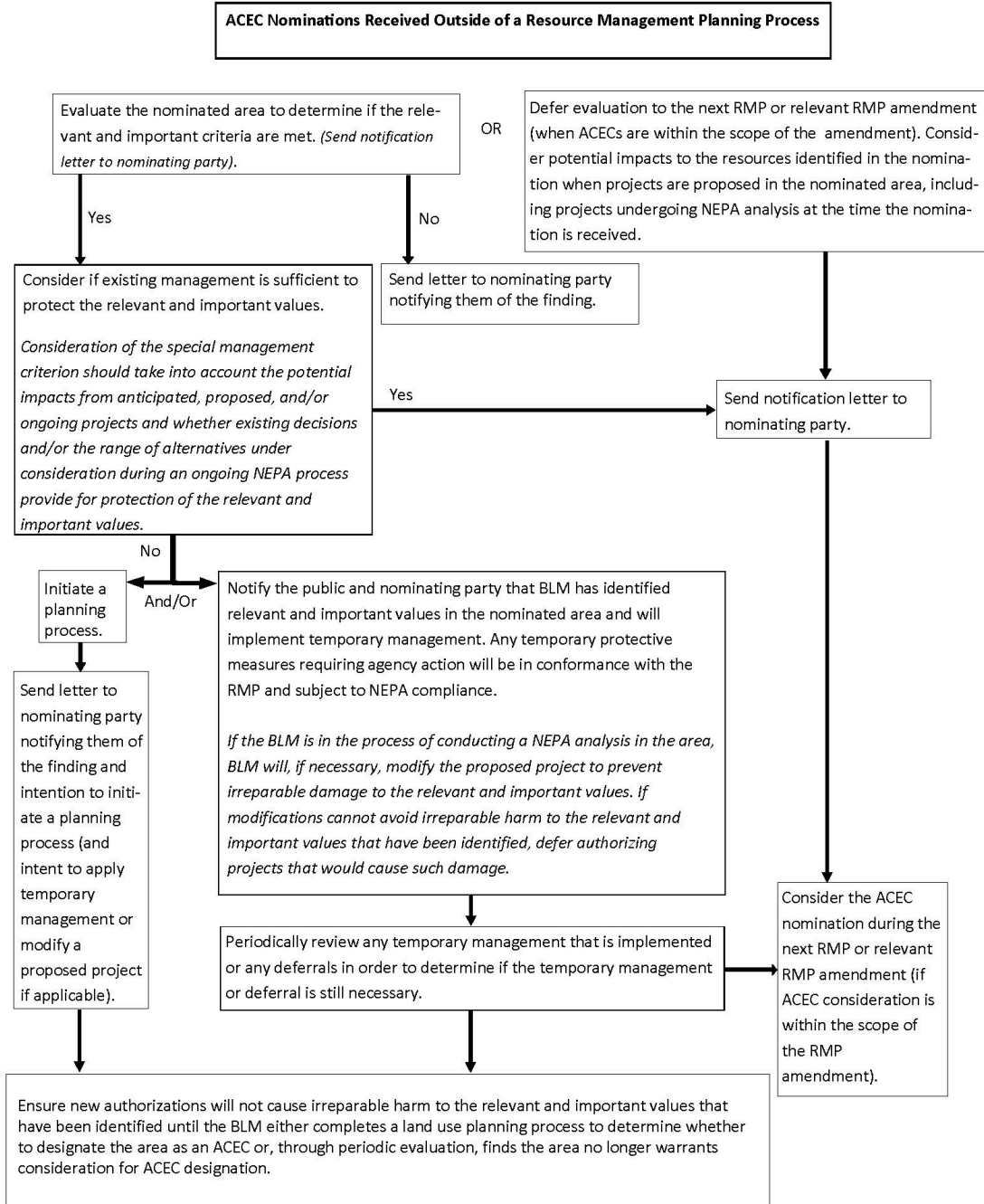
**Prioritizing the Identification, Evaluation, and Designation of ACECs during Resource Management Planning**



**Prioritizing the Identification, Evaluation, and Designation of ACECs during Resource Management Planning**



**Figure 2 - ACEC Nominations Received Outside of a Resource Management Planning Process**



**Appendices**

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**Appendix 1 - ACEC Nomination Checklist**

The following ACEC Nomination Checklist is intended for use by the public, either during or outside of an ongoing resource management planning process. Use of this checklist is not required; however, sections identify content requirements for all ACEC nominations by the public (i.e. you can use your own format as long as content requirements are met).

**ACEC NOMINATION**

NOMINATED BY:		CONTACT NUMBER OR EMAIL:	
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**The content identified in this section is required.**

PROPOSED ACEC NAME:	
PROPOSED BOUNDARY OR LOCATION*:	
SIZE:	

Boundary or Location\*: A geographic location or proposed boundary, even if approximate, is required. This could include a map with the proposed boundary identified, or similar effort to identify the location.

In order to be considered as a potential ACEC in a resource management planning process, an area must meet both the relevance and importance criteria identified in 43 CFR 1610.7-2 (d) (1)-(2).

**The provision of one or more relevance values is required.**

RELEVANCE (must contain one or more of the following):	Description of the relevance value. Add additional rows as necessary to allow for multiple values to be identified under a single category.
1. Important historic, cultural, or scenic value.	
2. Fish and wildlife resources.	
3. Natural systems or processes.	
4. Natural hazards potentially impacting life and safety.	

**The provision of one or more importance characteristic for each of the relevance values identified is required.**

<b>IMPORTANCE (characterized by one or more of the following):</b>	<b>Description of how each of the identified relevance values are important, based on the characteristics identified in the left-hand column.</b>
1. Qualities of special worth, consequence, meaning, distinctiveness, or cause for concern	
2. National or more than local importance, subsistence value, or regional contribution of a resource, value, system, or process.	
3. Contributes to ecosystem resilience, landscape intactness, or habitat connectivity.	
4. Natural hazard as a significant threat to human life and safety.	

**Optional Opportunity to also Nominate the Area as an ACEC Research Natural Area**

Although not required, you may also nominate an area for consideration as an ACEC Research Natural Area (RNA). For BLM to consider an area as a potential ACEC RNA, an area must meet the ACEC relevance and importance criteria (43 CFR 1610.7-2 (d)(1)-(2)) and must also meet the primary purpose of research and education and one or more of the land characteristics criteria specified at 43 CFR 8223.0-5(a). The evaluation of the RNA criteria is a two-part test, 1) ensure the area meets one or more research and education primary purpose(s), and, if so, 2) ensure the appropriate land characteristics are present.

Please note, not all potential RNAs will or should be designated as ACECs and not all ACECs will or should be designated as ACEC RNAs. Some areas may meet the definition of an RNA set out in 43 CFR 8223 but not the criteria for designation as an ACEC (43 CFR 1610.7-2 (d)). In those instances, the area can be designated as an RNA but would not be considered an ACEC or an ACEC RNA. If an area meets the relevance and importance criteria, and not the RNA criteria, the BLM will consider the area as a potential ACEC.

Following are research or education purpose and land characteristic information that must be provided if you would like to nominate the area for consideration as an ACEC RNA.

**Primary Purpose of Research and Education**

**One or more research and education purpose must be identified for an area to be considered as an ACEC RNA.**

<b>Research or education purpose</b>	<b>Description or Justification</b>
1. High quality representative areas that have scientific interest and importance that individually or collectively form a national network of areas for research and education.	
2. Serve as reference areas for the study of natural processes including disturbance and climate change.	
3. Provide onsite and extension educational activities.	
4. Serve as baseline areas for measuring long-term ecological changes.	
5. Provide opportunities to monitor effects of resource management techniques and practices (e.g. treatments which may occur internal or external to the area, including manipulative research).	
6. Other research or education purpose where public lands have natural characteristics that are unusual or that are of scientific or other special interest.	

**RNA Characteristics (43 CFR 8223.0-5)**

**One or more RNA characteristics must be identified for an area to be considered as an ACEC RNA.**

<b>Research natural area is established and maintained for the primary purpose of research and education and has one or more of the following characteristics:</b>	<b>Description or Justification</b>
1. A typical representation of a common plant or animal association.	
2. An unusual plant or animal association.	

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<p><b>Research natural area is established and maintained for the primary purpose of research and education and has one or more of the following characteristics:</b></p>	<p><b>Description or Justification</b></p>
<p>3. A threatened or endangered plant or animal species.</p>	
<p>4. A typical representation of common geologic, soil, or water features.</p>	
<p>5. Outstanding or unusual geologic, soil, or water features.</p>	

**Appendix 2 - ACEC Evaluation and Determination Worksheet**

Documentation of the ACEC nomination evaluation and a determination on whether the area meets the relevance and importance criteria is required. Use of this worksheet is optional. It is intended to help ensure BLM staff adequately evaluate and document the evaluation criteria and the determination. Use of other evaluation and documentation formats is acceptable.

**ACEC NOMINATION EVALUATION**

ACEC NAME:		PROPOSED BOUNDARY and LEGAL DESCRIPTION:	
SIZE:		NOMINATED BY AND DATE NOMINATED:	
EVALUATED BY AND DATE COMPLETED			

In order to be considered for designation in a resource management planning process, an area must meet both the relevance and importance criteria identified in 43 CFR 1610.7-2 (d) (1)-(2).

**Identify any relevant values found.**

<b>RELEVANCE (must contain one or more of the following):</b>	<b>Criteria Present (Yes/No)</b>	<b>Description or Justification</b>
1. Important historic, cultural, or scenic value.		
2. Fish or wildlife resources.		
3. Natural systems or processes.		
4. Natural hazards potentially impacting life and safety.		

**For each relevance value identified, identify the associated importance characteristic.**

<b>IMPORTANCE (the relevance value or values identified must be characterized by one or more of the following):</b>	<b>Criteria Present (Yes/No)</b>	<b>Description or Justification</b>
1. Qualities of special worth, consequence, meaning, distinctiveness, or cause for concern.		
2. National or more than local importance, subsistence value, or regional contribution of a resource, value or system, or process.		

<b>IMPORTANCE (the relevance value or values identified must be characterized by one or more of the following):</b>	<b>Criteria Present (Yes/No)</b>	<b>Description or Justification</b>
3. Contributes to ecosystem resilience, landscape intactness, or habitat connectivity.		
4. A natural hazard can be important if it is a significant threat to human life and safety.		

**Determination:**

Summarize the findings and identify if the area meets the relevance and importance criteria. If the area meets the relevance and importance criteria it will be identified as a potential ACEC in the RMP or relevant RMP amendment.

**ACEC RNA Evaluation:**

External ACEC RNA nominations must be evaluated to determine if they meet the ACEC RNA criteria. Existing ACECs that are also designated as an RNA, must be re-evaluated to determine if they meet the ACEC RNA criteria.

In order to be considered as a potential ACEC RNA, an area must meet the ACEC relevance and importance criteria identified in 43 CFR 1610.7-2 (d)(1)-(2) and have natural characteristics that are unusual or that are of scientific or other special interest (43 CFR 8223.0-1). The RNA criteria are evaluated using a two-part test, 1) ensure the area meets one or more research and education primary purpose(s) of an RNA, and, if so, 2) ensure the appropriate land characteristics are present (43 CFR 8223.0-5(a)).

**RNA Primary Purpose**

**Research and education purposes are identified. One or more research or education purpose must be identified for an area to be considered as an ACEC RNA. Examples may include but are not limited to:**

<b>Research or education purpose</b>	<b>Purpose Identified (Yes/No)</b>	<b>Description or Justification</b>
1. High quality representative areas that have scientific interest and importance that individually or collectively form a national network of areas for research and education		
2. Serve as reference areas for the study of natural processes including disturbance and climate change.		
3. Provide onsite and extension educational activities		

<b>Research or education purpose</b>	<b>Purpose Identified (Yes/No)</b>	<b>Description or Justification</b>
4. Serve as baseline areas for measuring long-term ecological changes.		
5. Provide opportunities to monitor effects of resource management techniques and practices (e.g. treatments which may occur internal or external to the area, including manipulative research).		
6. Other (specified) research or education purpose where public lands have natural characteristics that are unusual or that are of scientific or other special interest.		

**RNA Land Characteristics (43 CFR 8223.0-5(a))**

**One or more RNA characteristics must be identified for an area to be considered as an ACEC RNA.**

<b>Research natural area is established and maintained for the primary purpose of research and education and has one or more of the following characteristics:</b>	<b>Characteristic Present (Yes/No)</b>	<b>Description or Justification</b>
1. A typical representation of a common plant or animal association.		
2. An unusual plant or animal association.		
3. A threatened or endangered plant or animal species		
4. A typical representation of common geologic, soil, or water features.		
5. Outstanding or unusual geologic, soil, or water features.		

**Determination:**

Summarize the findings and identify if the area meets the criteria to be considered a potential ACEC RNA. Please also document if the area only meets the RNA criteria. The BLM has discretion to designate RNAs; this discretion may include deliberation as to whether the area will be *established* and *maintained* for the identified ACEC RNA primary purpose (43 CFR 8223.0-5).