

CHAPTER 5—CONSULTATION AND COORDINATION

5.1 OVERVIEW OF THE PROCESS

Consultation, coordination, and public involvement in preparing this Draft Resource Management Plan (RMP) and Environmental Impact Statement (EIS) have been accomplished through public and informal meetings, individual contacts, bulletins, news releases, and *Federal Register* notices.

Public involvement is mandated by several federal regulations and guidelines, including the Federal Land Policy and Management Act of 1976 (FLPMA), National Environmental Policy Act of 1969 (NEPA), and guidelines from the President's Council on Environmental Quality (CEQ). In addition, the public participation process is outlined in the BLM Land Use Planning Handbook (H-1601-1).

5.2 CONSULTATION AND COORDINATION

This section documents the consultation and coordination efforts undertaken by the Bureau of Land Management (BLM) throughout the process of developing this Draft RMP-EIS. Because of jurisdictional responsibilities, BLM is required to consult with certain Federal, Native American, and State agencies and entities (40 Code of Federal Regulations [CFR] §1502.25) during the NEPA decision-making process. BLM is also directed to integrate NEPA requirements with other environmental review and consultation requirements to reduce paperwork and delays (40 CFR §1500.4-5).

Title II, Section 202 of FLPMA directs BLM to coordinate planning efforts with Native American tribes and Federal, State, and local government agencies as part of its land use planning process.

5.2.1 Other Federal Agency Consultation

Section 7 of the Endangered Species Act of 1973 (ESA) requires Federal agencies (such as BLM) to address impacts on species listed under ESA through consultations with the U.S. Fish and Wildlife Service (USFWS). Consultations begin informally when a Federal agency requests a list of species under ESA. If a listed species exists in the area being assessed, BLM may prepare a biological assessment (BA). The initial determination of effect is made by the lead agency, in this case BLM (50 CFR Part 420). If the BA determines that the proposed action may adversely affect a listed species or its habitat, BLM must enter formal consultation with USFWS, which then prepares a biological opinion (BO) that determines whether or not the preferred alternative would adversely affect listed species or critical habitat. Although the BO is based on information provided in the BA, it may concur with or dispute the determination of impact. The process of formal and informal consultation with USFWS ensures BLM actions conserve listed species and their critical habitat.

BLM has coordinated with the USFWS throughout the planning process to obtain a species list and develop best management practices (BMPs) and oil and gas leasing stipulations for the alternatives. BLM will consult with USFWS on the Proposed RMP and Final EIS. The goal is to not jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat, and where possible, to minimize the potential to adversely affect Federally-listed species.

5.2.2 State and Local Agency Consultation

Letters were sent to Alabama and Mississippi State agencies, county supervisors and commissioners, and the governors of both States to inform them of the RMP planning process. The States of Alabama and Mississippi were requested to be involved in the planning process as cooperating agencies. Only the State of Mississippi accepted the invitation to become an official cooperating agency.

The National Historic Preservation Act of 1966 (NHPA), as amended (16 United States Code [USC] 470), expands protection of historic and archeological properties to include those of national, state, and local significance. NHPA (in Section 106) requires Federal agencies to consult with the State Historic Preservation Office (SHPO), and sometimes with the Advisory Council on Historic Preservation, concerning the potential effects of agency actions on properties listed on or eligible for the National Register of Historic Places (NRHP). The SHPO is also sometimes consulted concerning applicable methods for determining whether or not there are NRHP-eligible properties in the area of potential effect of an agency undertaking, whether properties are eligible, and appropriate mitigation measures.

The SHPOs for both Mississippi and Alabama were informally contacted concerning potential effects to properties that are listed on or eligible for the NRHP. However, formal consultation has not yet occurred and will occur during the preparation of the Proposed RMP and Final EIS.

5.2.3 Native American Consultation

BLM provides government officials of Federally recognized tribes opportunities to comment on and participate in the development of the RMP. BLM considers comments, notifies consulted tribes of final decisions, and informs them of how their comments were addressed in those decisions. Land use plans and coordination activities must address consistency with tribal plans (Section 202(c)(9) of the FLPMA) and protection of treaty rights and comply with the following statutes and executive orders:

- **Section 101(d)(6) of the NHPA** requires BLM to consult with Native American tribes when historic properties of traditional religious or cultural importance to a tribe would be affected by BLM decision-making.
- **The American Indian Religious Freedom Act (AIRFA)** requires BLM to protect and preserve the freedom of American Indians and Alaska Natives to exercise their traditional religions, including access to sites and freedom to worship through ceremonial and traditional rites.
- **Executive Order 13007 (Indian Sacred Sites)** requires BLM to accommodate access to and use of sacred sites and to avoid adversely affecting the physical integrity of sacred sites to the extent practicable, as permitted by law and consistent with essential agency functions.
- **Executive Order 12898 (Environmental Justice)** requires BLM to take into account relevant CEQ guidelines and Department of the Interior policies and goals.

Specific guidance on Native American consultation is outlined in BLM Manual 8120 and BLM Handbook H-8120-1.

Land use plans and accompanying EISs must identify potential effects on Indian trust resources, trust assets, or tribal health and safety. Any effect must be explicitly identified and documented in the land use plan.

BLM contacted appropriate Native American tribes (see page 5-5 for a list of tribes contacted), inviting them to participate in the Alabama and Mississippi RMP-EIS development process, and offered to meet

with tribal leaders or representatives in person to discuss issues, concerns, and questions they might have. The tribes contacted did not express interest in participating in meetings regarding the RMP-EIS nor becoming cooperating agencies.

5.3 PUBLIC SCOPING

Scoping is an early and open process for determining the scope of issues to be addressed in the planning process, as defined by 40 CFR Parts 1500 et seq. Scoping serves to solicit agency and public input on planning issues and criteria, areas of concern, and ideas and proposals for long-term management. Scoping provides a formal mechanism for engaging the public in identifying key planning and land management issues.

The official scoping period started with publication of the notice of intent (NOI) in the *Federal Register* on July 12, 2002, and ran through September 2002. The NOI announced BLM's intent to prepare an RMP for Alabama and Mississippi, called for coal information, and invited the public to participate in identification of issues and review of planning criteria.

Letters were sent to Alabama and Mississippi state agencies, county supervisors and commissioners, and the governors of both states to inform them of the planning process. Letters were also sent to several coal companies to inform them of the planning process and solicit coal data. Individuals were encouraged to submit e-mail or hardcopy comments to the BLM Jackson Field Office.

One e-mail with comments was submitted during the scoping period. Comments addressed a variety of issues, such as the need to have adequate, site-specific data on threatened, endangered, and candidate species in the planning area, data on soils and aquatic species, and an accurate impact assessment of minerals development on recreation (BLM 2002).

A public workshop (with an emphasis on BLM tracts in Baldwin County, Alabama) was held in Gulf Shores, Alabama, on September 2, 2004, to solicit additional comments for developing alternatives. The workshop was conducted in an open house format, with resource stations and BLM staff available for individual discussions. Eight participants attended the workshop, including representatives from the Alabama State Lands Division. Information meetings with Baldwin County also took place during this period. Although BLM provided a deadline of November 30, 2004, to receive information and input via mail, e-mail, or the project Web site, none was submitted; however, BLM accepted input from the public and interested agencies throughout the planning process. Comment letters that were submitted after the November deadline dealt primarily with the Baldwin County land tracts and how they should be managed by BLM. All comments were collected, analyzed, and included in the project administrative record.

5.4 PROJECT WEB SITE

A project Web site was designed to provide the public with information on planning issues and the overall planning process, as well as the opportunity to submit input directly to BLM. The project Web site, www.es.blm.gov/AL_MS_RMP, became publicly accessible in August 2004 and featured information on resource and planning issues associated with the Alabama and Mississippi RMP. Information included *Federal Register* notices, planning bulletins, survey plats of BLM-administered public lands on Ft. Morgan Peninsula, a map of the planning area, a form allowing users to add their names to the project mailing list, and a form for users to submit input as part of the alternatives development process.

5.5 DEVELOPMENT OF PLANNING CRITERIA

The NOI also announced preliminary planning criteria—the framework of laws, regulations, policies, and guidance within which a resource management plan must be developed. Comments on the planning criteria were solicited during the scoping period. No comments were received; therefore, planning criteria presented in the NOI became final.

5.6 FUTURE PUBLIC PARTICIPATION

Upon distribution of the Draft RMP-EIS, public meetings will be held, and mailed, hand-delivered, or e-mailed comments will be accepted during the 90-day review period.

Following review of the Draft RMP-EIS, comments will be considered in preparation of a Proposed RMP and Final EIS to be released for a 30-day protest period. The Proposed RMP will also be sent to the governors of Alabama and Mississippi for a 60-day review for consistency with state or local plans, policies, and programs (43 CFR 1610.3-2). Finally, the Approved RMP/Record of Decision (ROD) will be prepared after any protests and inconsistencies have been resolved (43 CFR 1610.5-2).

5.7 DISTRIBUTION OF DRAFT RMP-EIS

Copies of the Draft RMP-EIS will be made available for public review at local libraries and other information repositories throughout the States of Alabama and Mississippi, as well as the Jackson Field Office and BLM-Eastern States Office. Prior to publication of the Draft RMP-EIS, a postcard announcing the anticipated date of its availability and how to request a hardcopy will be sent to everyone on the project mailing list. The Draft RMP-EIS will also be available in CD-ROM and can be viewed and downloaded from the project Web site (www.es.blm.gov/AL_MS_RMP). The following agencies and organizations have been asked to review the document:

5.7.1 Federal Agencies

- Army Corp of Engineers, Mobile District
- Army Corp of Engineers, Vicksburg District
- U.S. Department of Agriculture (USDA) Forest Service, National Forests in Alabama
- USDA Forest Service, National Forests in Mississippi
- USDA Natural Resource Conservation Service – Alabama
- USDA Natural Resource Conservation Service – Mississippi
- U.S. Fish and Wildlife Service, Ecological Office, Daphne, Alabama
- U.S. Fish and Wildlife Service, Ecological Office, Vicksburg, Mississippi
- U.S. Fish and Wildlife Service, Atlanta Regional Office
- Bon Secour National Wildlife Refuge
- National Park Service units in Mississippi
- National Park Service units in Alabama
- National Park Service, Atlanta Regional Office
- Federal Energy Regulatory Commission, Atlanta Regional Office

5.7.2 Alabama State Agencies

- Alabama Forestry Commission

- Alabama Department of Conservation and Natural Resources
- Alabama Department of Environmental Management
- Alabama Indian Affairs Commission
- Alabama State Historic Preservation Officer
- Alabama Natural Heritage Program
- Alabama State Parks Division
- Alabama State Lands Division
- State Oil and Gas Board
- Geological Survey of Alabama

5.7.3 Mississippi State Agencies

- Mississippi Development Authority
- Mississippi Department of Archives and History
- Mississippi Department of Environmental Quality
- Mississippi State Historic Preservation Officer
- Mississippi Forestry Commission
- Mississippi Department of Wildlife Fisheries and Parks
- Mississippi Natural Heritage Commission

5.7.4 Local Governments

Alabama

- All County Governments
- City of Bay Minette
- City of Daphne
- City of Elberta
- City of Fairhope
- City of Foley
- City of Gulf Shores
- City of Loxley
- City of Mobile
- City of Orange Beach
- City of Silverhill
- City of Spanish Fort
- City of Summerdale
- City of Robertsdale

Mississippi

- All County Governments
- City of Bay St. Louis
- City of Waveland
- City of Diamondhead
- City of Kiln

5.7.5 Native American Tribes

- Tunica-Biloxi Tribe
- Mississippi Band of Choctaw Indians
- Poarch Creek Indians
- Eastern Band of Cherokee Indians
- Oklahoma Indians whose homeland was in parts of Mississippi and Alabama
- Choctaw Nation of Oklahoma
- Cherokee Nation of Oklahoma
- United Keetoowah Band of Cherokee Indians
- Chickasaw Nation,

- Muscogee (Creek) Nation

5.7.6 U. S. Senate

- Hon. Jeff Sessions (Alabama)
- Hon. Richard Shelby (Alabama)
- Hon. Thad Cochran (Mississippi)
- Hon. Trent Lott (Mississippi)

5.7.7 U. S. House of Representatives

- Hon. Jo Bonner; Alabama 1st
- Hon. Terry Everett; Alabama 2nd
- Hon. Mike Rogers; Alabama 3rd
- Hon. Robert B. Aderholt, Alabama 4th
- Hon. Robert E. Cramer, Alabama 5th
- Hon. Spencer Bachus, Alabama 6th
- Hon. Artur Davis, Alabama 7th
- Hon. Roger F. Wicker, Mississippi 1st
- Hon. Bennie G. Thompson, Mississippi 2nd
- Hon. Charles W. Pickering, Mississippi 3rd
- Hon. Gene Taylor, Mississippi 4th

5.7.8 Organizations/Industry

- Dauphin Island Park and Beach Board
- Blakeley Historic State Park
- The Islander
- Weeks Bay Reserve
- South Alabama Sewer Service
- Dauphin Island Sea Lab
- The Noel Company
- Dauphin Island Sea Lab
- University of South Alabama
- Chickasabogue Park
- Colonial Bank Centre
- MS/AL Sea Grant Consortium
- Mobile Bay National Estuary Program
- Auburn Marine Extension Center
- Martinique on the Gulf
- The Beach Club
- Gulf Shores Plantation
- Alabama Coastal Foundation
- Fort Morgan Paradise Joint Venture
- Coastcom of Mississippi LLC
- Bubba's Beach House LLC
- The Stirling Family Limited Partnership
- Kelley Bros
- J R J TARA INC
- Fort Morgan Volunteer Fire Department

- R & S LLC
- Wolford Brothers Leasing LLC
- Alabama Power Company
- University of Mississippi
- Mississippi Nature Conservancy

5.8 LIST OF PREPARERS

5.8.1 Introduction

The Alabama and Mississippi Draft RMP-EIS was prepared by a team of specialists from the Jackson Field Office and a contractor, Booz Allen Hamilton, with support from and review by the BLM-Eastern States Office and BLM Washington Office.

As required by NEPA regulations (40 CFR 1502.17), this section lists the people who were primarily responsible for preparing this EIS and presents their qualifications. Booz Allen Hamilton, a contractor selected to prepare the EIS as directed by BLM, in accordance with 40 CFR 1506.5(c), has certified that it does not have any financial or other interest in the decisions to be made pursuant to this EIS. In addition to being responsible for the projects and areas listed, many BLM employees also contributed substantial time consulting with other agency personnel in preparing this EIS (see Section 5.7).

Table 5-1. BLM Preparers

Contributor	Project Role	Qualifications
Ken Adams	Geologist	B.S., Geology, University of Florida Years of experience: 28
Shayne Banks	Public Affairs Specialist	B.A., History, Mississippi State University Years of experience: 16
Bruce Dawson	Field Office Manager	M.S., Natural Resources Management, Humbolt State University Years of experience: 28
Stuart Grange	Mining Engineer	B.S., Mining Engineering, University of Utah M.B.A., University of Nevada, Reno Years of experience: 17
Brian Kennedy	Physical Scientist (Geographic Information System (GIS) Assistance)	B.S., Geographic Information Technology, University of Southern Mississippi Years of experience: 5
Judith Pace	Archaeologist	B.A., History and Anthropology, University of Mississippi, Oxford M.A., Anthropology, University of Mississippi, Oxford Years of experience: 20
Bob Schoolar	GIS Specialist	B.S., Geophysical Science, Old Dominion University Years of experience: 30
Gary Taylor	Planning and Environmental Coordinator (BLM Contracting Officer Representative)	M.A., Management, Webster University Years of experience: 5

Contributor	Project Role	Qualifications
Mary Weaver	Realty Specialist	B.S., Business Administration, Florida State University (3.5 years) Business, University of Maryland Years of experience: 31
Duane Winters	Project Manager	M.S., Forest Hydrology, University of Missouri, Columbia Years of experience: 28
Faye Winters	Wildlife Management Biologist	B.A., Biology, William Woods College Years of experience: 29

Table 5-2. Booz Allen Hamilton Preparers

Contributor	Project Role	Qualifications
Erik Anderson	Assistant Project Manager, Minerals/Geology Specialist	B.S., Civil and Environmental Engineering, Utah State University M.S., Environmental Policy and Management, University of Denver (pursuing) Years of experience: 8
Dean Bibles	Public Lands Advisor	B.S., Range Management, Texas A&M University Years of experience: 45
Quincy Bahr	Natural and Cultural Resource Specialist	B.S., Natural Resources Management & Planning, University of Utah Years of experience: 8
Michael Ghazizadeh	Minerals Specialist (Coal Screening Report development)	B.S., Geology, University of Isfahan M.S., Geology, Northeast Louisiana University PhD., Geology, University of Tennessee Years of experience: 20
Joel Hanson	GIS and Mapping Specialist	B.S., Geography and Environmental Studies, University of Colorado M.A.S., Environmental Information Management (pursuing), University of Denver Years of experience: 4
Chris Keefe	NEPA Specialist, Technical Review, Soils Sections	B.S., Biology, University of Nebraska Years of experience: 14
Bryan Klyse	Natural Resource Specialist	B.A., Social Science (Environment), San Diego State University M.E.S.M., Environmental Science and Management, University of California, Santa Barbara Years of experience: 7
Melanie Martin	Project Manager, NEPA Lead, Alternatives Development, Technical Review, Natural Resource Specialist	B.S.A, Environmental Protection, West Virginia University M.S., Natural Resource Management, University of Denver Years of experience: 8

Contributor	Project Role	Qualifications
Pamela Middleton	Natural Resource Specialist	B.A., Biology (Botany emphasis) Minor in Environmental Studies and Planning, Sonoma State University M.A.S., Environmental Policy and Management, University of Denver Years of experience: 7
Amanda Pryor	NEPA Specialist, Technical Review	B.A., Biology, Baylor University, Texas M.S., Environmental Biology, Baylor University, Texas Years of experience: 10
Jason Smiley	GIS and Mapping Specialist	B.S.E.D., Park Administration M.S., Geography
Mike Sumner	Document Preparation	B.S., Recreation Resource Management , Utah State University Years of experience: 7

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