



## United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240  
DEC 30 2008



The Honorable Theodore R. Kulongoski  
Governor of Oregon  
160 State Capitol  
900 Court Street  
Salem, Oregon 97301-4047

Dear Governor Kulongoski:

I have reviewed your letter, dated December 8, 2008, to Mr. Edward Shepard, Bureau of Land Management (BLM) State Director, Oregon/Washington, concerning your consistency review of the BLM's Proposed Resource Management Plan (PRMP) for BLM-administered public lands, primarily in western Oregon.

In the State Director's correspondence to you dated October 8, 2008, initiating the 60-day Governor's consistency review, the BLM provided you with its analysis of the PRMP's consistency with applicable state plans. As explained in that analysis, the BLM found that the PRMP is consistent with state plans and the policies or programs contained therein. In your letter of December 8, 2008, you do not disagree with the BLM's conclusion, nor do you identify any officially approved plans, policies, or programs of State and local governments with which the PRMP is inconsistent.

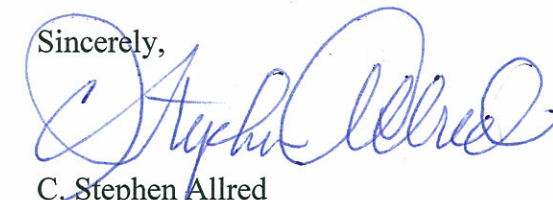
Your letter does, however, provide comments and suggestions related to the PRMP based on the twelve principles you identified earlier in the planning process. These twelve principles were provided to the BLM on January 10, 2008, as a comment on the Draft Environmental Impact Statement (EIS) in order to frame the "... on-going cooperating agency involvement as the planning process advances." Because they are not officially approved or adopted resource-related plans, these twelve principles are not a basis for evaluating the PRMP under the consistency review process set out in the BLM's planning regulations (43 CFR 1610.3-2).

One of your primary comments is your belief that the BLM has not complied with the Endangered Species Act (ESA) in developing the PRMP. While this comment does not qualify as an identified inconsistency with any State plan, policy, or program, I have reviewed the BLM letters to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (Services), dated October 6, 2008, wherein the BLM documents its compliance with Section 7 of the ESA. In this letter, the BLM briefly summarizes the plan-level guidance it anticipates will be included in the proposed PRMP and explains that cooperative consultation between the BLM and the Services began in the summer of 2005 when the Services received cooperating agency status. The letter also explains the rationale behind the BLM's conclusion that the PRMP would have no direct effects under

the ESA, namely that the PRMP is not self-executing and does not authorize any on-the-ground action. The BLM also explained why the PRMP would have no indirect effects; namely that, given the number of steps that must occur between adoption of the PRMP and any future site-specific actions that involve discretionary decisions, the “reasonably certain to occur” threshold cannot be met at this time. A more detailed discussion of the BLM’s compliance with Section 7 of the ESA is provided in the State Director’s December 30, 2008 letter to you in response to your stated concerns with the PRMP.

In sum, you have not identified any valid inconsistency between the PRMP and officially approved or adopted resource-related plans. Furthermore, the comments and suggestions raised in your letter were not related to any inconsistency between the PRMP and any state or local plan. The only possible substantive change in the PRMP that you recommended was for the BLM to amend the plan to address areas that you hope will be included in future legislation for wilderness or Wild and Scenic Rivers. Consistency of the PRMP with potential Federal legislation is not a valid basis for a finding of inconsistency. I therefore find that your letter of December 8, 2008, does not meet the regulatory requirements under 43 CFR 1610.3-2. Accordingly, the BLM is not obligated to provide the public, under 43 CFR 1610.3-2(e), an opportunity to comment on the issues raised in your letter, nor is there authorized an appeal to the Director of the State Director’s decisions regarding your recommendations. This determination represents the final decision of the Department of the Interior.

Sincerely,



C. Stephen Allred  
Assistant Secretary  
Land and Minerals Management  
Department of the Interior