



U.S. Department of the Interior  
Bureau of Land Management

# Areas of Critical Environmental Concern Manual – MS 1613







# MS 1613 Chapter 2

## ACEC DESIGNATION CRITERIA

**To be designated as an ACEC, an area must meet the following criteria:**

- Relevance
  - Important historic, cultural, or scenic values; fish or wildlife resources; natural systems or processes; or natural hazards potentially impacting life and safety
- Importance
  - Special worth, consequence, meaning, distinctiveness, or cause for concern; 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
- Special management attention
  - Needed to protect and prevent irreparable damage
  - Would not be prescribed if the relevant and important values were not present





# ACEC RNA DESIGNATION CRITERIA



**An ACEC Research Natural Area (RNA) may be designated if the area:**

- Meets other ACEC criteria
- Has one or more of the characteristics defined by the RNA regulations at 43 CFR 8223.0-5(a)
- Is established and maintained for the **primary purpose** of research and education



# MS 1613 Chapter 3

## ACEC IDENTIFICATION, EVALUATION, AND DETERMINATION

It is recommended that ACECs be considered and addressed early in the RMP process. Early planning considerations include:

- Planning Guidance and Purpose and Need
- Preparation Plan
  - List existing ACECs that will be reevaluated, along with nominations already received or received since the last planning effort.
  - 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.
- Planning Criteria
- Analysis of the Management Situation





# ACEC IDENTIFICATION

Early in the resource management planning process, identify eligible ACECs for consideration.

- Internal Nominations
  - Interdisciplinary Teams (IDTs) identify ACEC nominations based on internal and external data
- External Nominations
  - Actively solicit nominations during Pre-Scoping and Scoping
  - The list of required information to nominate an ACEC is identified in the nomination checklist found in Appendix 1, Nomination Checklist
- All nominations that the BLM has received since the last RMP process must be evaluated
- Existing ACECs must be reevaluated



# ACEC EVALUATION AND DETERMINATION

All existing and eligible ACECs must be evaluated to determine if they meet the relevance and importance criteria.

Steps of the Evaluation and Determination Process:

## 1. Evaluate relevance

- First determine if the identified values are present and then determine if they have relevance. MS 1613 provides examples of potential relevance for each value category.

## 2. Evaluate importance

- Only evaluate importance on identified areas that have been determined to have relevance. MS 1613 provides examples of the application of the importance criteria.

## 3. Document the determination

- Areas that meet the relevance and importance criteria will be considered as potential ACECs during the development of the plan.



# ACEC RNA EVALUATION AND DETERMINATION

- ***Evaluation*** is discretionary, unless specifically nominated as ACEC RNA, or already an RNA.
- ***Determination*** (designation) is also discretionary, rationale required if ACEC RNA criteria are met but there is no designation.





# ACEC RNA EVALUATION AND DETERMINATION

- Evaluation of the RNA criteria should use a two-part test:
  - 1) Ensure the area is appropriate for research and education primary purpose(s), as described in MS 1613; and
  - 2) Ensure the appropriate land characteristics are present as set forth in the RNA regulations at 43 CFR 8223.0-5(a).
- If an area meets the RNA criteria in addition to the ACEC criteria, BLM has the discretion to designate the area as an ACEC RNA. The purpose of adding an RNA designation to an ACEC is to distinguish ACECs that present opportunities for scientific research and education on public lands.
- If an area does not meet the ACEC relevance and importance criteria but does meet the research and education and RNA characteristics criteria, BLM may choose to identify the area as an RNA, rather than an ACEC RNA, in the plan.







# MS 1613 Chapter 4

## DESCRIBING AND ANALYZING POTENTIAL ACECS IN LAND USE PLANNING PROCESSES

- 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.
- All areas found to meet the relevance and importance criteria must be proposed for ACEC designation in at least one alternative.
- Alternatives can vary which ACECs would be designated, the size of ACEC boundaries, and the types of management prescriptions that would be implemented.
- Boundaries of ACECs may overlap other designations.
- Analyze the effects of the objectives and management direction in each alternative on the relevant and important values of the potential ACECs.



# SPECIAL MANAGEMENT ATTENTION

- BLM must evaluate the need for special management attention for the potential ACECs through the planning process. 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 plan.
- Each alternative must identify the proposed special management of the potential ACECs that are proposed for designation.
- Management direction should only allow uses that will ensure the protection of the relevant and important values.
- If applicable, and in collaboration with Tribes and Indigenous Peoples, identify management direction for co-stewardship and/or the use of Indigenous Knowledge.





# MS 1613 Chapter 5

## ACEC DESIGNATION AND REMOVAL

State Directors are responsible for determining which ACECs to designate, taking into consideration the following:

- The presumption that all areas meeting the relevance and importance criteria and found to require special management attention will be designated.
- The values of other resources in the area and management context.
- The effects of each alternative's management direction on the relevant and important values for the potential ACECs.
- Recommendations of Tribes, Alaska Native Corporations, and other interested and affected parties.
- 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.





# REMOVAL OF ACEC DESIGNATION

- State Directors, through the resource management planning process, may remove the designation of an ACEC when:
  1. Special management attention is not needed because another legally enforceable mechanism provides an equal or greater level of protection, or
  2. 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.
- Before removing a designation, State Directors should consult with Tribes, Alaska Native Corporations, and other interested and affected parties and consider their recommendations.
- A justification and rationale for removal must be provided in the Record of Decision that refers to analysis in the NEPA document that supports the decision.





# MS 1613 Chapter 6

## PUBLIC NOTIFICATION & INVOLVEMENT



- Potential ACECs that will be considered for designation in a land use planning process will be identified in all required Federal Register notices and in all public outreach materials.
- BLM actively solicits ACEC nominations from the public early in the resource management planning process. The public may also nominate ACECs at any time.



# MS 1613 Chapter 7

## TRIBAL AND ALASKA NATIVE CORPORATION ENGAGEMENT, INCLUDING CO-STEWARDSHIP & INDIGENOUS KNOWLEDGE

- BLM should solicit Tribal and Alaska Native Corporation input on ACECs including nominations of areas of interest and the incorporation of Indigenous Knowledge.
- BLM should seek opportunities for co-stewardship agreements for managing ACECs with federally recognized Tribes.







# TRIBAL AND ALASKA NATIVE CORPORATION ENGAGEMENT IN THE PLANNING PROCESS

- Nominations
  - During consultation with Tribes and Alaska Native Corporations, solicit input on existing and potential ACECs.
- Development of Land Use Plan
  - Seek Tribal and Alaska Native Corporation input on the management direction and management prescriptions being proposed for all potential ACECs.
  - 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.
- Development of Approved Plan
  - Consider and incorporate Tribal and Alaska Native Corporation priorities, when possible, in designating ACECs and in identifying the management direction for designated ACECs.
  - Coordinate with Tribes on any co-stewardship identified for designated ACECs.



# MS 1613 Chapter 8

## ACEC MONITORING AND MANAGEMENT

- Activity Plans may be prepared at the implementation level when warranted.
- Inventory and monitoring must be completed on regular intervals.
- Data will be managed through annual reporting and BLM will use the ACEC data standard.





# INVENTORY AND MONITORING

- Inventories used to obtain information and data on the relevance and importance of values, resources, systems or processes, and natural hazards must be kept current consistent with section 201(a) of FLPMA.
- RMP monitoring plans must identify monitoring questions and program reporting items specific to each ACEC and its relevant and important values.
  - 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 BLM determine if RMP objectives are being met.
- Inventories and subsequent monitoring must be performed and updated on intervals appropriate to the resource value sensitivity, and ensure data are available to identify trends and emerging issues during the plan evaluations that occur every 5 years.





# MS 1613 Chapter 9

## ACEC NOMINATIONS RECEIVED OUTSIDE OF THE PLANNING PROCESS

- Generally, 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.
- When an ACEC nomination is received outside of a planning process, BLM has the discretion to determine the appropriate time to evaluate it, including deferring the evaluation to the next planning process that addresses ACECs.





# DEFERRING EVALUATION OF AN ACEC NOMINATION RECEIVED OUTSIDE OF PLANNING



- If BLM defers evaluation of a nominated ACEC, BLM must evaluate the nomination no later than during the next land use planning process that addresses ACECs.
- BLM must consider potential impacts to the resources identified in the nomination (for example, species habitat or cultural resources) when completing NEPA analysis for projects in the nominated area.
- BLM must notify the nominating party of the decision to defer evaluation.



# EVALUATING AN ACEC NOMINATION RECEIVED OUTSIDE OF PLANNING

- BLM may decide to evaluate an ACEC nomination outside of the planning process; however, ACECs can only be designated in the planning process.
- If the relevance and importance criteria are met, BLM will evaluate the need for special management attention.
  - BLM will determine if existing management is sufficient to protect and prevent irreparable damage to the relevant and important values.
- If special management attention is needed, BLM will apply temporary management and/or initiate a land use planning process to consider designating the ACEC.
- See flow chart on following page outlining this process.





# TEMPORARY MANAGEMENT

- If BLM evaluates an ACEC nomination outside of the planning process and finds that all three ACEC designation criteria are met, BLM can 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.
- Any temporary management that is implemented would be in effect until BLM either completes a planning process or finds the temporary management to no longer be necessary.
- When BLM decides to apply temporary management for a potential ACEC, 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
  - A notification that BLM will seek to prevent irreparable damage to the relevant and important values pending consideration of the nomination in a land use plan
  - Information about any subsequent temporary management actions being implemented



# POTENTIAL EXAMPLES OF TEMPORARY MANAGEMENT

- Temporary management protection could be implemented simply through exercising BLM's inherent discretion to determine where, when, and how internally driven projects are initiated.
  - For example, BLM could temporarily defer certain types of discretionary projects such as juniper thinning or invasive weed treatment.
- Temporary management could also involve modifying or temporarily deferring project proposals that have the potential to cause irreparable damage to ACEC values.
  - For example, BLM might defer an oil and gas lease parcel from a lease sale or consider modifications to the design of a solar array.
- BLM will minimize the extent and duration of deferrals. Where temporary management is needed, and likely to result in multiple or significant project deferrals, BLM will consider prioritizing a land use plan amendment to address the nominated ACEC.





**ACEC Nominations Received Outside of a Resource Management Planning Process**

