



**FOREST SERVICE HANDBOOK
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FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK

CHAPTER 50 – OBJECTION PROCESS

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Deputy Chief, NFS

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New Document	1909.12_50	33 Pages
Superseded Document(s) by Issuance Number and Effective Date	1909.12_50 (Amendment 1909.12-2006-6, 01/31/2006)	12 Pages

Digest:

50 – Revises direction throughout the entire chapter. Reorganizes direction and changes captions thought the chapter.

51.5 through 51.8 – Establishes codes, captions, and sets forth new direction on the objection process involving comments, resolution of objections, and maintaining records.

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The National Forest System (NFS) Land Management Planning Rule Title 36, Code of Federal Regulations, part 219, subpart B establishes a process for members of the public to seek administrative review of plans, plan revisions, and plan amendments before their approval. This process is referred to as the objection process. This chapter provides procedural direction for informing the public of the objection process, and how objections are to be filed, processed, and resolved.

50.1 – Authority

The opportunity for objection is provided in 36 CFR 219, subpart B, with the exceptions noted in 36 CFR 219.51(a), (b), and (c).

50.2 – Objectives

The objectives of the objection process are to:

1. Provide an individual or other entity the opportunity for an independent review and resolution of issues before the approval of a plan, plan revision, or plan amendment (36 CFR 219.50).
2. Allow collaborative approaches to be used, when appropriate or feasible, to inform the Reviewing Official's resolution to objection issues before the plan, plan amendment, or plan revision is approved.
3. Allow interested persons who have requested to participate in meetings between the Forest Service and objectors to do so.
4. Give a prompt response to objections.

50.4 – Responsibility

50.41 – Chief

The Chief, or Associate Chief, serves as the Reviewing Officer for objections filed on a new plan, plan revision, or plan amendment for which a Regional Forester is the Responsible Official, and for objections or parts of objections specific to the identification of species of conservation concern (36 CFR 219.56(e), FSM 1921.04a). This authority may be delegated to an individual Deputy Chief or Associate Deputy Chief for National Forest System, consistent with delegations of authority provided at FSM 1235.3 and FSM 1235.4.

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For objections, or parts of objections, specific to the identification of species of conservation concern, the Chief may delegate the Reviewing Officer authority only to an individual Deputy Chief, National Forest System (or, through the Deputy Chief, to the Associate Deputy Chief), to a Regional Forester other than the Regional Forester who made the identification, or to a Station Director.

50.42 – Deputy Chief, National Forest System

The Deputy Chief, National Forest System, has the authority and responsibility for overseeing Agency-wide compliance with the regulations and directives governing the objection process.

50.43 – Washington Office, Director, Ecosystem Management Coordination Staff

The Washington Office, Director, Ecosystem Management Coordination staff, is responsible for:

1. Developing and recommending Agency-wide direction for implementing the objection process.
2. Providing training to Regional Office employees on how to conduct the objection process.
3. Coordinating reviews and resolution meetings and maintaining the official record for all objections filed with the Chief as Reviewing Officer at the Washington Office level.

50.44 – Regional Forester

Each Regional Forester is responsible for:

1. Overseeing Region-wide implementation of the objection process.
2. Maintaining the official record of all objections filed in the Region.
3. Serving as the Reviewing Officer for objections of plans, plan amendments, or plan revisions for which the Forest, Grassland, Prairie, or other comparable Administrative Unit Supervisor is the Responsible Official (FSM 1921.04b). This authority may be delegated to a Deputy Regional Forester (consistent with FSM 1236.12) or, in the case of a plan amendment, to a Line Officer at the same administrative level as the Responsible Official (36 CFR 219.56(e)).
4. Serving as the Reviewing Officer for objections or parts of objections specific to the identification of species of conservation concern in administrative units over which they have no jurisdiction, when this authority has been delegated by the Chief (36 CFR 219.56(e)(2)).

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50.45 – Forest, Grassland, Prairie, or Other Comparable Administrative Unit Supervisor

The Forest, Grassland, Prairie, or other comparable Administrative Unit Supervisor is responsible for:

1. Serving as the Responsible Official for the development and approval of the land management plan, plan revision or amendment for the administrative unit within the Supervisor's jurisdiction.
2. Serving as the Reviewing Officer for objections of plan amendments for which another Forest, Grassland, Prairie, or other comparable Administrative Unit Supervisor is the Responsible Official, when so delegated by the Regional Forester (36 CFR 219.56(e) and FSM 1921.04b).

50.46 – Responsible Official

A Responsible Official is accountable for approving a plan, plan revision, or plan amendment, including:

1. Ensuring the notice to initiate development of the plan (36 CFR 219.16(a)(1)) includes an explanation that providing substantive formal comment during the planning process is necessary to be eligible to file an objection later in the process.
2. Providing timely notices to the public of the period for filing an objection(s) and of the objections filed
3. Assisting the Reviewing Officer to determine whether objections and objection issues meet eligibility and content requirements (sec. 51.43).
4. Participating in all meetings involving the Reviewing Officer, objectors, and interested persons.
5. Completing any work necessary to make the plan decision consistent with the Reviewing Officer's decision.

50.47 – Reviewing Officer

1. The Reviewing Officer for the plan shall do the following:
 - a. Receive all objections. In addition to accepting objections provided by hand, mail, and express delivery, the Reviewing Officer shall accept objections filed by electronic mail or fax. The Reviewing Officer should use an e-mail address that provides an automated electronic acknowledgement from the agency to the objector as

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- confirmation of date and time of receipt. Notify the Responsible Official if no objections are received.
- b. Convey all objections or parts thereof relevant to the identification of species of conservation concern to the Chief, or to the Line Officer identified by the Chief as the Reviewing Officer for objections or parts of objections related to identification of species of conservation concern.
 - c. Review and consider objections that meet timeliness, eligibility, and content requirements and set aside from review objections that do not.
 - d. Receive timely requests from interested persons to participate in objection resolution meetings.
 - e. Resolve objection issues, when feasible and appropriate with the objector(s),. Determine the appropriate means, including collaborative approaches if appropriate, to resolve objections with objectors or the lead objector. Determine the scope of participation of interested persons and the Responsible Official in the resolution processes.
 - f. Ensure that responses to objection(s) are completed promptly.
 - g. Promptly notify the objectors, interested persons, and the Responsible Official of the outcome on the objection with a written response.
 - h. Provide the objection(s) and objection responses on the applicable Forest Service website.
 - i. Maintain objection records.
2. The Reviewing Officer for the identification of the species of conservation concern shall:
- a. Receive from the plan Reviewing Officer objections (or parts thereof) specific to the identification of species of conservation concern for the plan area.
 - b. Follow steps c through f above.
 - c. Provide a written response to the Reviewing Officer for the plan to address steps g through i above.

If the Chief or Regional Forester expects to delegate authority as the Reviewing Officer for any plan, plan amendment, or plan revision, the public shall be notified no later than the public notice of the opportunity to object.

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50.6 – Exhibits

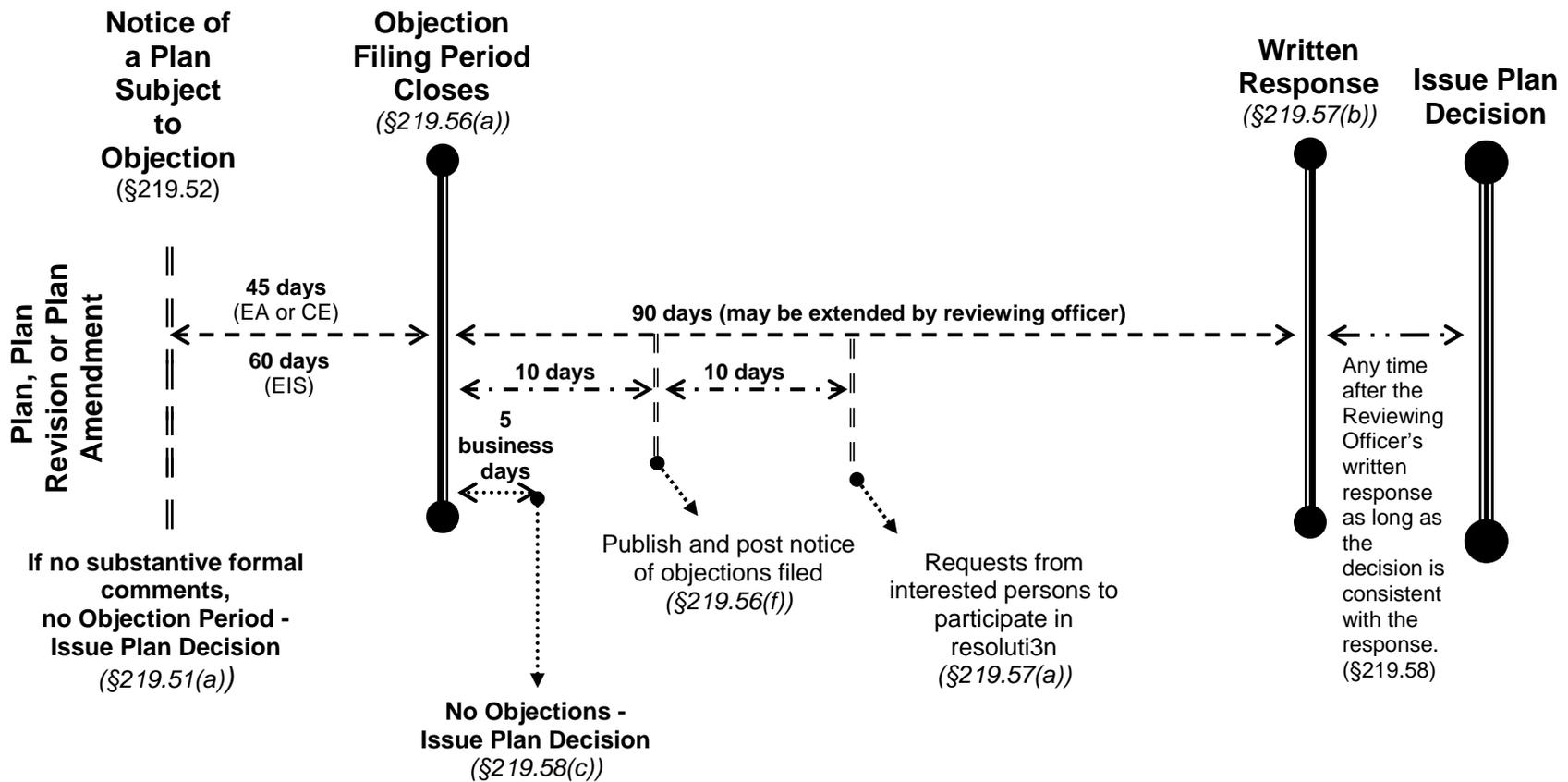
1. Exhibit 01. Exhibit 01 depicts the timeline for the objection process, from completing a plan, plan revision, or plan amendment to issuing the final decision.
2. Exhibit 02. Exhibit 02 depicts the decision-making process for determining which administrative review process is applicable to a planning action.
3. Exhibit 03. Exhibit 03 is a flowchart of the key steps in the objection process (36 CFR 219 subpart B) from the close of the objection filing period through the review and resolution of objections. The exhibit shows the path of a single objection, beginning with the filing of an objection (labeled “Start”). The diamonds contain questions to be answered yes or no, with corresponding arrows indicating the next step in the process.

The term “set aside from review” is used in the following exhibits as well as in subsequent sections of this chapter. The term comes directly from 36 CFR 219, subpart B, and means that the Reviewing Officer will not review an objection and has determined that no further action beyond documentation is required.

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50.6 - Exhibit 01

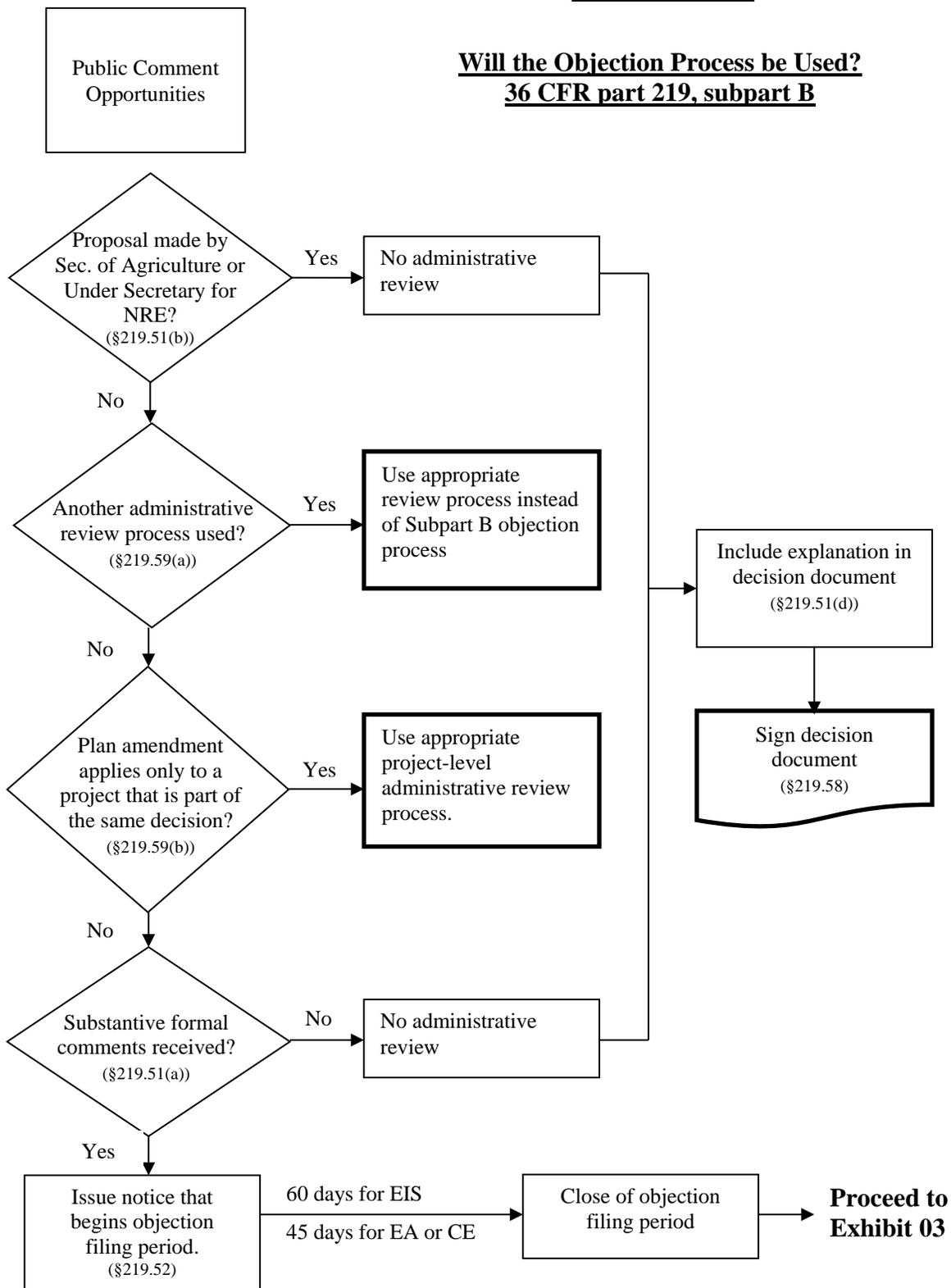
Timeline for Objections Pursuant to 36 CFR 219, subpart B



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50.6 - Exhibit 02

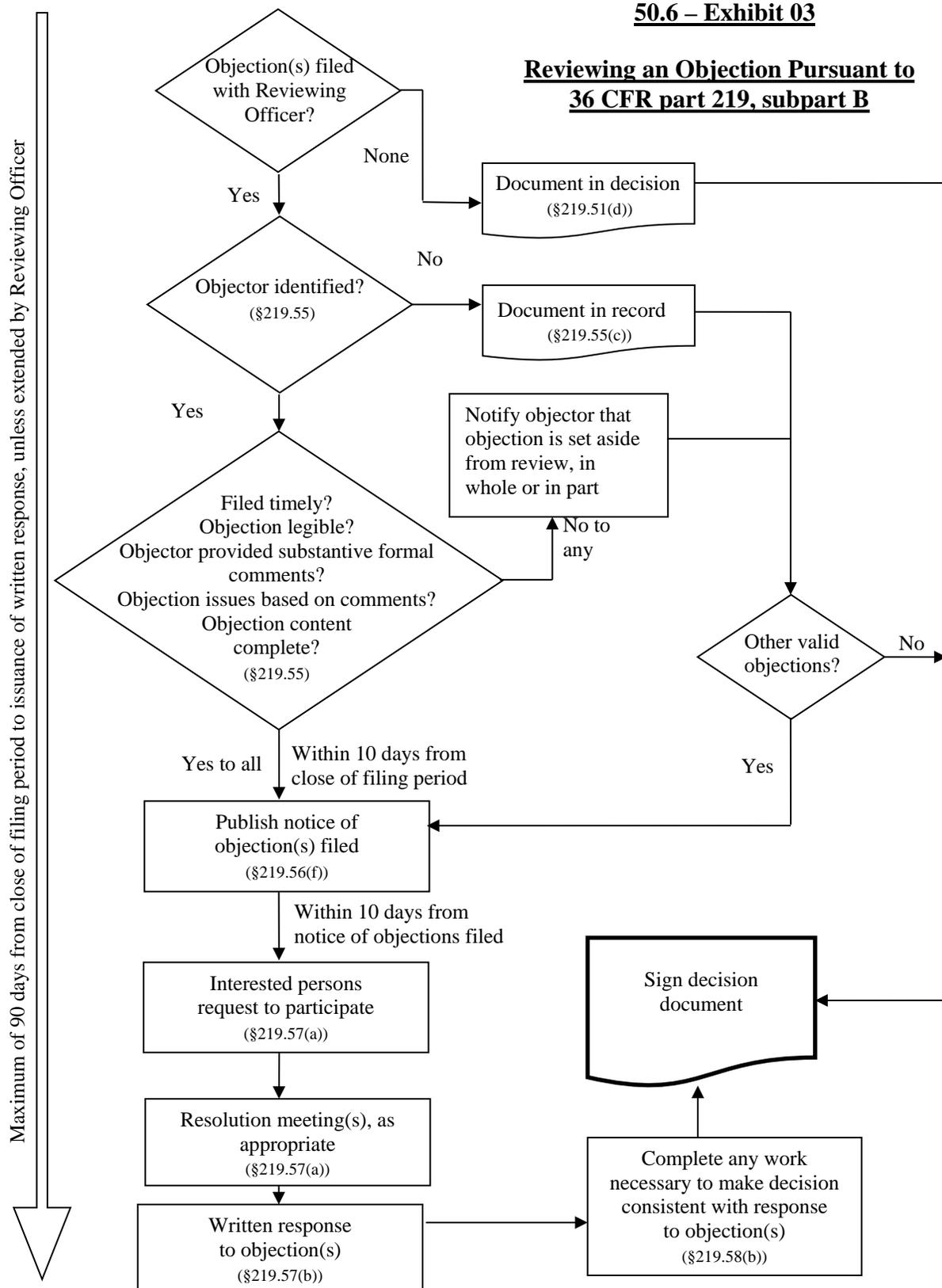
Will the Objection Process be Used?
36 CFR part 219, subpart B



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50.6 – Exhibit 03

**Reviewing an Objection Pursuant to
 36 CFR part 219, subpart B**



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51 – OBJECTIONS

The Responsible Official may only approve plans, plan revisions, or plan amendments after completion of the objection procedures of section 51 of this Handbook, unless the plan is not subject to objection (36 CFR 219, subpart B).

51.1 – Plans, Plan Revisions, and Plan Amendments Not Subject To Objection

A plan, plan revision, or plan amendment is not subject to objection when one of the following three instances applies:

1. The Responsible Official receives no substantive formal comments during the opportunities for public comment (36 CFR 219.51(a)). In these instances there are no parties eligible to file an objection (36 CFR 219.53) and, therefore, no reason to provide an objection filing period.
2. The Secretary of Agriculture or Under Secretary for Natural Resources and Environment serves as the Responsible Official for development of a plan, plan revision, or plan amendment (36 CFR 219.51(b)).
3. Another administrative review process is used consistent with 36 CFR 219.59 (36 CFR 219.51(c)). Section 219.59 of the planning regulation describes two circumstances where other administrative review processes may be used:
 - a. Where the Forest Service is a participant in a multi-Federal agency effort that would otherwise be subject to objection, the Responsible Official may waive the objection procedures and instead adopt the administrative review procedure of another participating Federal agency. The Responsible Official may waive the objection procedures only if in agreement with the Responsible Official of the other agency or agencies that a joint agency response will be provided to those who file for administrative review of the multi-agency effort. When such an agreement is reached, the Responsible Official for the Forest Service shall ensure public notice required in § 219.52 sets forth which administrative review procedure will be used (36 CFR 219.59(a)).
 - b. When a plan amendment would be approved in a decision document approving a project or activity and the amendment applies only to the project or activity, the administrative review process of 36 CFR 218 would apply instead of the objection process for plans (36 CFR 219.59(b)). Conversely, when a plan amendment that would be approved simultaneously with a project authorization but would apply to all future projects or activities, the planning rule's objection process does apply, but only to the plan amendment. The review process of 36 CFR 218 would apply to the project or activity part of the decision (36 CFR 219.59(b)). Where this occurs, the

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Responsible Official shall ensure that the draft decision document and all notices of the opportunity to comment on the draft decision clearly indicate the following:

- (1) Which part of the draft decision is subject to the objection process; and
- (2) Which part of the draft decision is subject to other administrative review procedures and an explanation of those procedures.

When a plan, plan revision, or plan amendment is not subject to objection, the Responsible Official shall include an explanation in the decision document of why it is not subject to objection (36 CFR 219.51(d)).

51.2 – Giving Notice of the Objection Filing Opportunity

Requirements for giving notice of the beginning of an objection filing period for a plan, plan revision, or plan amendment are described at 36 CFR 219.16 and 219.52. The Responsible Official shall publish a formal public notice to initiate the objection filing period. Formal public notice, also referred to as “legal notice,” is notice which must be published in the Federal Register or in the legal notices section of the newspaper of record (1909.12, zero code, sec. 05).

Within 4 business days of the publication of notice in the applicable newspaper of record, a scanned copy of the notice with the associated publication date must be posted online at to the applicable website provided in the notice for all other related documents. The Responsible Official may extend this time period as needed, for example, in the event that Agency operations are suspended or personnel are not available due to an emergency.

The Responsible Official shall also provide the notice of the beginning of an objection period and the availability of the plan and environmental documents directly, through mail or email, to those who have requested the environmental documents or are eligible to file an objection (36 CFR 219.52(b)).

The Responsible Official may coordinate the formal public notice of the start of the objection filing period with the EPA's Federal Register notice of availability for a final environmental impact statement, or can published in the Federal Register by the EPA under the requirements of NEPA regulations. If the notice of the objection filing period and availability of the FEIS are published simultaneously, the required timeframe for public review (30 days for a FEIS and 45 to 60 days for objections) can run concurrently. If no objections are filed, the Responsible Official may issue the Decision Document at the end of the objection period.

See exhibit 01 for a sample notice of the beginning of an objection filing period. All objections will be available for public inspection and will be posted to the appropriate Forest Service website.

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51.2 - Exhibit 01

Sample Notice

Beginning an Objection Filing Period

Notice of Objection Filing Period

Name of [plan, plan amendment, plan revision]:

Name of Responsible Official:

Name of Reviewing Officer:

Time zone of Reviewing Officer:

The Forest Service, ___ Region, ___ National Forest, has prepared a(n) [Environmental Impact Statement, Environmental Assessment, *or* draft Decision Memo] for [*title of action and concise description of the revision or amendment*]. The publication date of this notice [in this newspaper *or* the Federal Register] initiates a [45 *or* 60]-day period during which individuals or entities with specific concerns may file an objection for a Forest Service review.

The environmental analysis document, other supporting documentation, and a draft of the [Record of Decision, Decision Notice and Finding of No Significant Impact, *or* Decision Memo] are available for review at [*applicable Forest offices and website URL*]. Additional information regarding this action can be obtained from [*Name, Address, Phone, E-Mail address*]. An electronic scan of the notice with the publication date will also be posted at [*the appropriate Forest Service website URL*]. The publication date of the public notice of the beginning of the objection filing period of the [plan, plan revision, *or* plan amendment] in the [applicable newspaper of record *or* Federal Register] (36 CFR 219.16 and 219.52) initiates the objection filing period and is the exclusive means for calculating the time to file an objection.

The objection process provides an opportunity for members of the public who have participated in the planning process for the ___ National Forest to have any unresolved concerns reviewed by the Forest Service prior to a final decision by the Responsible Official. Only those who provided substantive formal comments during opportunities for public comment during the planning process are eligible to file an objection. Regulations at 36 CFR 219 subpart B define substantive formal comments as:

Written comments submitted to, or oral comments recorded by, the responsible official or his designee during an opportunity for public participation provided during the planning process, and attributed to the individual or entity providing them. Comments are considered substantive when they are within the scope of the proposal, are specific to the proposal, have a direct relationship to the proposal, and include supporting reasons for the responsible official to consider.

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51.2 - Exhibit 01--Continued

How to File an Objection

The Forest Service will accept mailed, emailed, faxed, and hand-delivered objections concerning this action for [45 *or* 60] calendar days following the date of this notice. It is the responsibility of the objector to ensure that the Reviewing Officer receives the objection in a timely manner. The regulations prohibit extending the length of the objection filing period.

Objections must be submitted to the Reviewing Officer at [*Reviewing Officer Name, Title, and Addresses (street, postal, email, and fax)*]. Objections or objection content specific to the identification of species of conservation concern will be forwarded to [*SCC Identification Reviewing Officer Name, Title*]. The office business hours for those submitting a hand-delivered objection are: [*business hours*] Monday through Friday, excluding Federal holidays. Electronic objections must be submitted in a commonly used format such as an email message, plain text (.txt), rich text format (.rtf), or Microsoft Word® (.doc or .docx).

An objection must include the following (36 CFR 219.54(c)):

- (1) The objector's name and address along with a telephone number or email address if available - in cases where no identifiable name is attached to an objection, the Forest Service will attempt to verify the identity of the objector to confirm objection eligibility;
- (2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection);
- (3) Identification of the lead objector, when multiple names are listed on an objection. The Forest Service will communicate to all parties to an objection through the lead objector. Verification of the identity of the lead objector must also be provided if requested;
- (4) The name of the plan, plan amendment, or plan revision being objected to, and the name and title of the Responsible Official;
- (5) A statement of the issues and/or parts of the plan, plan amendment, or plan revision to which the objection applies;
- (6) A concise statement explaining the objection and suggesting how the draft plan decision may be improved. If the objector believes that the plan, plan amendment, or plan revision is inconsistent with law, regulation, or policy, an explanation should be included;

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51.2 - Exhibit 01--Continued

- (7) A statement that demonstrates the link between the objector's prior substantive formal comments and the content of the objection, unless the objection concerns an issue that arose after the opportunities for formal comment; and
- (8) All documents referenced in the objection (a bibliography is not sufficient), except that the following need not be provided:
- a. All or any part of a Federal law or regulation,
 - b. Forest Service Directive System documents and land management plans or other published Forest Service documents,
 - c. Documents referenced by the Forest Service in the planning documentation related to the proposal subject to objection, and
 - d. Formal comments previously provided to the Forest Service by the objector during the proposed plan, plan amendment, or plan revision comment period.

51.3 – Computation of Time Periods

1. All time periods are computed using calendar days, including Saturdays, Sundays, and Federal holidays in the time zone of the Reviewing Officer. However, when the time period expires on a Saturday, Sunday, or a Federal holiday, the time is extended to the end of the next Federal working day (11:59 p.m. for objections filed by electronic means such as e-mail or facsimile machine) (36 CFR 219.56).
2. The publication date of the public notice of the beginning of the objection period for the plan, plan revision, or plan amendment in the applicable newspaper of record (or the Federal Register, if the Responsible Official is the Chief) is the exclusive means for calculating the time to file an objection (36 CFR 219.16(a)(3) and 219.56). To avoid the possibility of providing an erroneous due date for filing, notices should not include a specific date, but rather should specify the number of days from the date the notice is published in which an objection must be filed.
3. The first day of the objection filing period is the day after publication of the public notice for a plan, plan revision, or plan amendment before approval. (219.56(b)(2)).

51.4 – Evaluating Reviewability of Objections

The Reviewing Officer shall determine whether each objection meets the requirements of eligibility (36 CFR 219.53), content (36 CFR 219.54(c), authorship (36 CFR 219.54(c)(2), and timeliness (36 CFR 219.56), consulting the Responsible Official for an evaluation of whether each objector meets the requirements for eligibility and that the objection meets the requirements for content. The Reviewing Officer and Responsible Official should expedite validation of objections to maximize the time available to review, discuss, and resolve issues.

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1. The Reviewing Officer shall transmit a list of objectors, along with each objector's statement demonstrating the link between prior substantive comments and the objection, to the Responsible Official. If there are multiple objectors associated with an objection, a list of all objectors must be provided.
2. The Responsible Official shall respond in writing to the Reviewing Officer with a finding regarding the eligibility of all objectors (sec. 51.41) and whether each objection issue is related to an objector's prior substantive formal comment (sec. 51.42).

An objection, or any issue(s) in an objection, that the Reviewing Officer determines does not meet all requirements must be set aside from further review as required by 36 CFR 219.55(a)(5) (see sec. 51.5). The Reviewing Officer shall inform all objectors which objections will be considered and which will be set aside from review, in whole or in part. When an objector cannot be notified because the objection is set aside due to illegibility or lack of a means of contact information, the Reviewing Official shall document in the planning record that the objection was set aside. During the objection filing period, the Reviewing Official may, but is not required to, review objections for completeness and inform objectors of deficiencies that can be remedied, such as lack of mailing address or inclusion of the name of the plan. The objector shall make up any deficiencies within the objection filing period except that verification of authenticity of signature and appointment of a lead objector can be made after the filing period.

51.41 – Eligibility of Objectors

Eligibility requirements for filing objections are described at 36 CFR 219.53. The burden is on the objector to demonstrate eligibility.

... (a) Individuals and entities who have submitted substantive formal comments related to a plan, plan amendment, or plan revision during the opportunities for public comment as provided in subpart A during the planning process for that decision may file an objection.

Objections must be based on previously submitted substantive formal comments attributed to the objector unless the objection concerns an issue that arose after the opportunities for formal comment. . .

... (b) Formal comments received from an authorized representative(s) of an entity are considered those of the entity only. Individual members of that entity do not meet objection eligibility requirements solely based on membership in an entity. A member or an individual must submit substantive formal comments independently to be eligible to file an objection in an individual capacity.

(c) When an objection lists multiple individuals or entities, each individual or entity must meet the requirements of paragraph (a) of

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this section. Individuals or entities listed on an objection that do not meet eligibility requirements may not be considered objectors, although an objection must be accepted (if not otherwise set aside for review under §219.55) if at least one listed individual or entity meets the eligibility requirements.

(d) Federal agencies may not file objections.

Federally-recognized Indian Tribes and Alaska Native Corporations are also eligible to file an objection based on substantive formal comments as defined in 36 CFR 219.62 are provided during Federal-Tribal consultations.

The Reviewing Official makes the final determination of whether the objection issues are based on previously submitted substantive formal comments. The Responsible Official supports this determination by evaluating whether the planning record substantiates that the issue(s) raised by each objector is based on substantive formal comments submitted by the objector during the planning process, or concerns an issue that arose after the opportunity for formal comment (36 CFR 219.53(a)). Comments are considered substantive formal comments when they are within the scope of the proposal, are specific to the proposal, have a direct relationship to the proposal, and include supporting reasons for the Responsible Official to consider (36 CFR 219.62).

When there are multiple objectors associated with an objection, the Responsible Official shall evaluate the eligibility of each objector. Individuals or entities listed in an objection that do not meet the eligibility requirement may not be considered objectors.

The planning rule at 36 CFR 219.54(c)(3) requires that an objection with multiple names identify a lead objector. When a lead objector is not identified, the Reviewing Officer should:

1. Validate the eligibility of each objector listed, and
2. Make a reasonable effort through follow-up contacts with one or more of the eligible objectors to have them identify a lead objector. If this effort is not successful, the Reviewing Officer should appoint the first eligible objector listed as the lead objector. Subsequent correspondence with the lead objector selected by the Reviewing Officer shall explain the Reviewing Officer's selection of the lead objector.

The Reviewing Officer will communicate and coordinate with the lead objector during the objection resolution process.

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51.42 – Content of Objections

The Responsible Official also evaluates whether the planning record substantiates that the objections meet all content requirements.

(c) At a minimum, an objection must include the following:

...

(5) A statement of the issues and/or the parts of the plan, plan amendment, or plan revision to which the objection applies;

(6) A concise statement explaining the objection and suggesting how the proposed plan decision may be improved. If applicable, the objector should identify how the objector believes that the plan, plan amendment, or plan revision is inconsistent with law, regulation, or policy; and

(7) A statement that demonstrates the link between prior substantive formal comments attributed to the objector and the content of the objection, unless the objection concerns an issue that arose after the opportunities for formal comment (§ 219.53(a)). (36 CFR 219.54(c))

The requirement at 36 CFR 219.54(c)(5) and (6) for a concise statement is satisfied if there is sufficient information to understand the reason for the objection and provide a basis for dialogue, regarding the objection issue(s), between the Reviewing Officer and the objector.

To evaluate whether an objection issue is based on a substantive formal comment, the Reviewing Officer should ensure that the comment identified by the objector as the basis for the objection issue is a “substantive formal comment.” Comments are considered substantive formal comments when they are within the scope of the proposal, are specific to the proposal, have a direct relationship to the proposal, and include supporting reasons for the Responsible Official to consider (36 CFR 219.62).

51.43 – Authorship

While the Reviewing Officer is responsible for determining that an objection is complete and will be considered, the Responsible Official supports the validation process by providing information from the planning record regarding the objector's eligibility (see sec. 51.41), identity, and contact information((36 CFR 219.54(c)(7), see below).

The objection must provide identity and contact information as follows:

(c) At a minimum, an objection must include the following:

(1) The objector’s name and address (§ 219.62), along with a telephone number or email address if available;

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(2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection);

(3) Identification of the lead objector, when multiple names are listed on an objection (§ 219.62). Verification of the identity of the lead objector if requested;

If an objection is not signed or there is a question as to the authenticity of the signature, the Reviewing Officer may request other verification of authorship (36 CFR 219.54(c)(2)).

51.44 – Timeliness

51.44a – Objection Filing Period

When an environmental impact statement (EIS) is prepared, the objection filing period is 60 days beginning the day after publication of the public notice of the opportunity to object required by sections 219.16 and 219.52. (36 CFR 219.56).

For plan amendments where an EIS is not prepared, the objection filing period is 45 days, beginning the day after publication of the public notice of the opportunity to object required by sections 219.16 and 219.52. (36 CFR 219.56).

Time periods are computed as provided in section 51.3 of this Handbook.

51.44b – Evidence of Timely Filing

Objections, including any attachments, must meet the timeliness requirements of 36 CFR 219.56(c) to be considered. Timeliness must be determined as follows:

1. Every hand-delivered objection must be time and date imprinted at the Reviewing Officer's office by the close of business on the last day of the objection filing period (45 or 60 calendar days following the publication date of the legal notice of the plan, plan revision, or plan amendment in the newspaper of record, pursuant to 36 CR 219.56; see also sec. 51.42 of this Handbook). A date-stamped receipt must be provided to the objector at the time of delivery.
2. Every objection electronically mailed or sent by fax must have an electronically generated time and date showing that the objection was posted to the Reviewing Officer's electronic inbox or fax by 11:59 p.m. in the time zone of the Reviewing Officer, on the last day of the objection filing period (45 or 60 calendar days following the publication date of the legal notice of the plan, plan revision, or plan amendment in the newspaper of record, pursuant to 36 CFR 219.56; see also sec. 51.42 of this Handbook). If an electronically mailed objection is received after the close of the filing period, the email header data must be retained in the objection record to document the posted date and time.

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3. Every objection mailed to the Reviewing Officer's office must be postmarked by the U.S. Postal Service by 11:59 p.m. on the last day of the objection filing period (45 or 60 calendar days following the publication date of the legal notice of the plan, plan revision, or plan amendment in the newspaper of record, pursuant to 36 CFR 219.56; see also sec. 51.42 of this Handbook), and received before the close of the 5th business day after the objection filing date.

4. Every objection delivered to the Reviewing Officer's office by a private delivery service must have been shipped by the delivery service by close of business on the last day of the objection filing period (45 or 60 calendar days following the publication date of the legal notice of the plan, plan revision, or plan amendment in the newspaper of record, pursuant to 36 CFR 219.56; see also sec. 51.42 of this Handbook), and received before the close of the 5th business day after the objection filing date.

The Reviewing Officer will provide written acknowledgement of receipt of the objection, if requested by the objector.

51.5 – Objections Set Aside From Review

The Reviewing Officer shall set aside and not review an objection when any of the following circumstances listed at 36 CFR 219.55(a) applies after the close of the filing period:

- (1) Objections are not filed in a timely manner (§219.56);**
- (2) The proposed plan, plan amendment, or plan revision is not subject to the objection procedures of this subpart pursuant to §§219.51 and 219.59;**
- (3) The individual or entity did not submit substantive formal comments (§219.53) during opportunities for public comment on the proposed decision (§219.16(a)(1) and (a)(2));**
- (4) None of the issues included in the objection is based on previously submitted substantive formal comments unless one or more of those issues arose after the opportunities for formal comment;**
- (5) The objection does not provide sufficient information as required by §219.54(c);**
- (6) The objector withdraws the objection in writing;**
- (7) The objector's identity is not provided or cannot be determined from the signature (written or electronically scanned), and a reasonable means of contact is not provided (§219.54(c)); or**
- (8) The objection is illegible for any reason and a legible copy cannot easily be obtained.**

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When an objector purports to base an objection on comments that the Reviewing Officer determines were not substantive formal comments (51.42 of this Handbook), the Reviewing Officer shall set aside the objection from review (36 CFR 219.55(a)(3) and 36 CFR 219.62). Comments are considered substantive formal comments when they are within the scope of the proposal, are specific to the proposal, have a direct relationship to the proposal, and include supporting reasons for the Responsible Official to consider (36 CFR 219.62).

If the Reviewing Officer determines that none of the issues included in an objection are based on previously submitted substantive formal comments and none of the issues arose after the opportunities for formal comment, the Reviewing Officer shall set aside the objection from review (36 CFR 219.55(a)(4)).

When making a finding that the objector did not make substantive formal comments, the Responsible Official shall document the reason for such a finding and provide in the required written notice to the objector that all or part of the objection has been set aside.

51.51 – Documentation of Objections Set Aside

(c) The reviewing officer shall give written notice to the objector and the responsible official when an objection or part of an objection is set aside from review and shall state the reasons for not reviewing the objection in whole or part. If the objection is set aside from review for reasons of illegibility or lack of a means of contact, the reasons must be documented in the planning record.

The Reviewing Official shall inform each objector in writing when all or part of an objection is set aside from review.

51.6 – Resolution of Objections

51.61 – Notice of Objections Filed

Within 10 days after close of the objection filing period, the Responsible Official shall publish in the applicable newspaper of record and post online a notice of all objections not set aside from consideration. (36 CFR 219.56(f)). See exhibit 01 for a sample notice of objections filed.

1. The notices must include the following information:
 - a. Name of the plan, plan revision, or plan amendment and the name and title of the Responsible Official and Reviewing Officer(s).
 - b. The name of the objector and affiliation, if any, for each objection filed.
 - c. Instructions on how to obtain a copy of any of the objections, including webpage address for online access.

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2. The notice of objections filed must also provide notice of the beginning of a 10-day period during which individuals or organizations with a particular interest in resolution of the objection(s) may request to participate in any meetings between the objector(s) and the Forest Service, as an interested person (sec. 51.64 of this Handbook) and must include the following:

a. Information regarding the deadline for interested persons' requests to participate in an objection (10 days after publication of the notice of objections filed in the newspaper of record).

b. Instructions to interested persons on how to request to participate in objection resolutions meetings. Instructions must include the following:

(1) Requests by an interested person to participate in the objection process must include:

(a) The person's name and, where relevant, the name of the organization or entity the interested person represents;

(b) Mailing address;

(c) Phone number and/or email address, when available;

(d) The objections in which they have an interest;

(e) A brief explanation of their interest and if they have a specific concern, a description of the support or opposition to the objection;

(f) A statement that identifies the interested person's prior substantive formal written comments, demonstrating participation in the planning process(2) If an interested person provides information indicating that their interest relates to an objection or part of an objection pertaining to the identification of species of conservation concern, explain that the request will be forwarded by the Reviewing Officer for the plan to the individual who is the Reviewing Officer for the identification of species of conservation concern.

The notice must be provided through mail or email to those who have requested the environmental documents or are eligible to file a request, including cooperating agencies and Tribal governments, as an interested person (see 51.65 of this Handbook for more about interested persons).

Post all objections and related notices online at the applicable Forest Service website.

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51.61 - Exhibit 01

Sample Notice of Objections Filed

Notice of Objection Filed

Name of project:

Name of Reviewing Officer:

Time zone of Reviewing Officer:

The [Washington Office *or* ___ Region] of the Forest Service has received [X] objection[s] regarding the [land management plan, plan revision, *or* plan amendment] for the [___ National Forest *or* Grassland]. The publication date of this notice in [this newspaper *or* the Federal Register] initiates a 10-day period during which individuals or organizations with a particular interest in resolution of the objection[s] may request to participate in any objection.

The environmental analysis document, other supporting documentation, and a draft of the [Record of Decision, Decision Notice and Finding of No Significant Impact, *or* Decision Memo] were released by [Forest Supervisor *or* Regional Forester ___], the Responsible Official for this plan, on [date]. These documents are available for review at [forest website] or by contacting the [Forest Supervisor's *or* Regional Forester's] office at [Area code & phone number].

The following individuals and entities submitted objections to the Reviewing Officer:

Jane Q. Public, individual

John Doe, representing [Named Non-Profit]

June Doe, representing [Named Company or Corporation]

[These or this] objection[s] may be viewed online at [forest website].

The objection process requirements at 36 CFR 219.57 allow interested persons to participate in any resolution meetings between the objector and the Forest Service. The purpose of this opportunity is to better assure that efforts to resolve objections are conducted in an open and collaborative forum.

Interested persons must submit written requests to participate in the objection no later than 10 days from the date of this notice in the [newspaper of record] to: [Reviewing Officer Name, Title, and Address (street, postal, email, and fax)].

The office business hours for those submitting hand-delivered requests are [business hours] Monday through Friday, excluding Federal holidays.

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51.61 - Exhibit 01--Continued

Interested persons who wish to participate in an objection must include the following information: name and affiliation, if any; mailing address, phone number, and email address (if available); and the name(s) of the objector(s) in whose objection the person has an interest.; and a brief explanation of the interest in the objection and any specific concerns including a description of support or opposition to the objection; and identification of substantive formal comment provided by the requester during the planning process demonstrating the requesters participation in the planning process. Electronic requests must be submitted in a commonly used format such as an email message, plain text (.txt), rich text format (.rtf), or or Microsoft Word® (.doc or .docx). The request will be considered by either the Reviewing Officer for the plan or the Reviewing Officer for the identification of the species of conservation concern.

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51.62 – Timeframes for Resolving Objections

Every objection must be resolved within 90 days of the close of the objection filing period (36 CFR 219.56(g)), unless the Reviewing Officer determines additional time is necessary to provide an adequate response to objections or to participate in discussions with the parties.

The Reviewing Officer should consider requests for extension of the resolution timeframe from participants, consult with the Responsible Official, and weigh the request for extension with efficiency of the objection process. The Reviewing Officer shall notify all parties (including interested persons) in writing of any extensions of the objection resolution period (36 CFR 219.56(g)).

51.63 – Approaches to Resolving Objections

The Reviewing official has the discretion to resolve an objection in a variety of methods based on the scope and complexity of the objection issues.

1. The Reviewing Official may document (sec. 51.66) that an objection has been withdrawn when the Reviewing official receives written request by the objector to withdraw an objection.
2. The Reviewing Officer may respond (sec. 51.66 of this Handbook) to the objection issues, based upon the written statements provided by each party, without additional dialogue with the objector or interested persons when neither the objector nor Reviewing Officer requests a meeting.
3. The Reviewing Officer may respond (sec. 51.66 of this Handbook) to objection issues after dialogue with the objectors through a resolution meeting(s) (sec 51.64 of this Handbook). In such cases it is important for the Reviewing Officer to inform objectors, interested persons and the public of the following:
 - a. The agenda for all objections meetings, including which objections will be addressed, and information on the time, location, and ways to participate, for example, in person, by teleconference or webcast; and
 - b. How the Reviewing Officer intends to conduct a dialogue with objectors and allow interested persons to participate on particular objections.

The Reviewing Officer should keep objectors and interested persons informed about how objections are being considered through written notification (sec. 51.63, Ex. 01) to the objectors and interested persons and in any subsequent meeting invitation. Notifications describing the process the Reviewing Official is using to address objections should also be posted at the applicable Forest Service website.

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51.63 – Exhibit 01

Sample Notices of Objection Resolution Process

Sample Notice 1

Dear John Doe:

We have received your timely objection (or interested person request) of [___ Responsible Official name's] Environmental Impact Statement, Revised Land Management Plan, and draft Record of Decision for the [___ National Forest or Grassland] Plan Revision. Your objection has been assigned number [___objection tracking #]. Please refer to that number in all correspondence related to your objection.

Your objection will be processed in accordance with the procedures found in the Forest Service land management planning regulations at Title 36, Code of Federal Regulations, Part 219, Subpart B (36 CFR 219, subpart B). I am the Reviewing Officer for all objections related to the ...Plan Revision and will be managing the review process and ultimately respond to all objections, including yours.

The [___ National Forest or Grassland] is using the pre-decisional administrative review process (objection process) for a land management plan revision. This process provides the public with an opportunity to review the draft decision and the rationale for it, and to raise objections before a final decision is made. This process enables me, as the Reviewing Officer, to consider objections and help resolve issues prior to a final decision.

As the reviewing officer, I have received [___number] verified objections, with numerous co-objectors. Within 10 days of the [___Date], the objection filing period closing date, the [___Responsible Official] will publish a notice in the [Newspaper of record for for plan revision unit] notifying the public of all objections accepted for consideration and providing an opportunity for interested persons to notify the Agency that they would like to participate in the objection process. This notice will also be posted on the [___ website address] website.

I would like to take this opportunity to describe the objection process. At this time, my staff and I are carefully reviewing the submitted objections and the revised land management plan and evaluating whether, based on the objections raised, changes are warranted to improve the decision.

In some cases, a meeting with objectors may be helpful to explore opportunities to resolve all or part of an objection. If meetings related to your objection are held, the Forest Service will notify you and all other objectors with related concerns, along with all interested persons by letter. These letters will provide the meeting time and location, and specify all issues to be discussed. The Forest Service Planning Rule, in 36 CFR part 219 subpart B, requires me, as the Reviewing Officer, to manage the meeting including identifying the issues to be discussed, establishing the format of the meeting, and specifying how objectors and interested persons can participate. All resolution meetings are open to the public.

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51.63 – Exhibit 01—Continued

The purpose of a meeting regarding objections is to discuss proposed remedies, and, if needed, to further clarify your concerns as an objector. Your written objection provided my staff and me a great deal of information so that any resolution meetings can focus on proposed solutions related to the objection issues identified for discussion.

I want to emphasize that discussions are not needed for all objections.

Following any resolution meetings, and prior to the end of the 90-day Objection Resolution Period on [___ date], I intend to provide all objectors with a written response, with a clear justification, to the objections submitted. I may respond to groups of similar objection issues rather than provide a point-by-point response for each objection letter submitted. My response may contain direction to the Responsible Official to implement the resolution prior to signing a final Record of Decision. My response will be the final decision of the US Department of Agriculture on the objections.

If you have any questions or need additional information please feel free to contact my office at [___email address] and [___phone number].

Sincerely,

[___Name of Reviewing Officer]

Reviewing Officer

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51.63 – Exhibit 01—Continued

Sample Notice 2

Dear John Doe:

My staff and I have completed a detailed review of the objections received for the [____ National Forest or Grassland] Revised Land Management Plan and Environmental Impact Statement.

I have scheduled a meeting in [____location, time and date] to discuss a number of objection issues. The purpose of the meeting is to discuss (three) major topic areas, along with several other subjects with objectors and interested persons. I have scheduled these topics for discussion so that I may clarify my understanding of issues raised and provide a forum for discussion of issues and potential resolutions, including new ideas or alternative approaches. Be assured, however that I have reviewed all objections and will respond to each in writing by the end of the objection process.

This meeting will focus primarily on the following areas of concern:

[Objection 1]
[Objection Issue 1]
[Objection Issue 2]

We will also discuss the following:

[Objection 2]
[Objection Issue 1]
[Objection Issue 2]

Objectors and interested persons are invited to participate in this meeting. If you are unable to attend in person, you may participate by telephone. A conference line will be available. Please notify us by [____date] at [[email address](#)], and tell us if you will attend in person or by telephone. As lead objector, you will be the spokesman for your objection; however, all co-objectors are eligible to attend and speak. I will guide conduct of the meeting, with help from the [Forest Supervisor ____] as required by the Forest Service Planning Rule at 36 CFR 219, Subpart B

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51.63 – Exhibit 01—Continued

During the meeting *lead* objectors will have the opportunity to clarify the issues and suggested remedies, but please note that you do not need to restate your objections, as we have reviewed in detail all material submitted. Interested persons will have the opportunity to provide additional thoughts. A meeting agenda and additional information will be available on the Forest public Web site at [____ website address] several days before the meeting. All objection resolution meetings are open to the public.

No decisions will be made at this meeting, but discussions will contribute to the development of the response to your objections. My written response, will be sent to all objectors and interested persons. I may respond to groups of similar objection issues rather than provide a point-by-point response for each objection letter submitted. My response may contain direction to the Responsible Official to implement the resolution prior to signing a final Record of Decision. My response will be the final decision of the US Department of Agriculture on the objections.

If you have any questions or need additional information please contact my staff at [[____ email address](#)].

Sincerely,

[____NAME]
Reviewing Officer

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51.64 – Resolution Meetings

Requirements regarding meetings to resolve objections are at 36 CFR 219.57(a). Either the Reviewing Officer or the objector may request a meeting to resolve the objection. The Reviewing Officer shall grant an objector's request but has the discretion regarding when to schedule a meeting and to determine the approach and scope of a meeting. Subsequent requests to meet by an objector may be denied by the Reviewing Officer if a meeting on that issue has already been granted. The Reviewing Officer may consolidate discussion of multiple objection issues in a single resolution meeting or through a series of meetings. The Reviewing Officer shall notify objectors and interested persons of all scheduled meetings regarding the relevant objection issue(s) to be discussed. If no meetings are scheduled, the Reviewing Officer shall notify the objectors and interested persons. The Responsible Official shall be notified of and participate in all meetings (36 CFR 219.57(a)).

The Reviewing Officer is responsible for the conduct of the meetings and shall allow all parties to an objection, interested persons, and the Responsible Official to participate in a constructive and appropriate manner. All meetings are open to observation by the public, and emphasis should always be placed on making meetings orderly, open, accessible, and transparent.

Meetings may be structured to address some or all of the objection issues, as the Reviewing Officer deems appropriate. Interested persons' participation should be limited to those issues or objections specified in their request to participate. The Reviewing Officer shall ensure that, while views of interested persons are considered, the resolution clearly responds to the objection.

Neither objectors nor interested persons may be permitted to introduce new issues into the discussion, unless those issues arise from potential resolution under discussion. Additional documentation relevant to objection issues may be introduced by the objectors, interested persons, the Reviewing Officer, or the Responsible Official. The Reviewing Officer should post any additional documents on the appropriate Forest Service webpage.

Meetings may be face-to-face, by teleconference, video-teleconference or other format as determined by the Reviewing Official. Facilities other than the Responsible Official's or Reviewing Officer's office may be used when necessary to accommodate participation by objectors, interested persons, or members of the public. Consider the use of an outside meeting facilitator or moderator when the objection issues are particularly contentious or the number of participants is especially large.

The Reviewing Officer has the discretion to determine the use of procedures, such as "alternative dispute resolution" methods, to resolve issues associated with the objection.

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51.65 – Interested Persons

The objection process for planning includes the requirement to allow others who are interested in how objections are resolved to participate in meetings to resolve objections. “Interested persons” may include any party not named in the objection and who submitted substantive formal comments demonstrating their participation during the planning process.

The reviewing officer must allow other interested persons to participate in such meetings. An interested person must file a request to participate in an objection within 10 days after publication of the notice of objection by the responsible official (§ 219.56(f)). . . .
(36 CFR 219.57)

The Responsible Official shall give notice at the close of the objection filing period to provide people the opportunity to request to participate in objection meetings as interested persons (see sec. 51.61). The Reviewing Officer shall acknowledge and respond promptly to all requests to participate as an interested person. If the request is denied, the response must include the explanation for the denial

The Reviewing Officer shall permit cooperating agencies to participate as interested persons in any objection without formal request when documentation of cooperating agency status, such as a Memorandum of Understanding, specifies that it serves as expression of interest and demonstration of substantive participation in the planning process. The Reviewing Officer shall also permit governments of Federally-recognized Indian Tribes to participate as interested persons in any objection without formal request. While eligible cooperating agencies and Tribal governments are not required to request interested person status within 10 days of publication of the notice of objections, they must notify the Reviewing Officer of their interest in specific objections and intent to participate so that the Reviewing Officer is able to provide notification of relevant meetings or calls.

Governmental entities that have participated in the planning process but have not established cooperating agency status, as specified in sec 51.64(1), may file to participate as an interested party (see sec. 51.61(2)).

The Reviewing Officer shall notify interested person(s) of all meetings, including conference calls, concerning resolution of the objection(s) for which they indicated an interest, and shall be permitted to participate in those meetings or calls. The Reviewing Officer may contact interested persons in advance of the objection resolution meeting to understand their concerns.

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51.66 – Reviewing Officer Response to Objections

The Reviewing Officer shall issue written response to each objection and provide such responses to objectors, interested persons (sec. 51.62), and the Responsible Official. When appropriate, the response may provide instructions to the Responsible Official. In cases involving more than one objection, the Reviewing Officer may consolidate objections and provide one or more responses (36 CFR 219.57(b)). The response(s) must:

1. Refer to the plan, plan revision, or plan amendment subject to the objection.
2. Identify issues withdrawn in whole or in part by the objector(s), noting agreements that were reached that caused issues to be withdrawn.
3. Provide the response on remaining issues and the basis for the response, including:
 - a. A finding of consistency of the plan with the law, regulation, or policy, or, if the plan is found inconsistent with specific law, regulation, or policy, stipulate the corrections or additional consideration needed to make it consistent.
 - b. A determination on the issues of disagreement with the plan, plan amendment, or plan revision submitted in the objection.
 - c. Any instructions, including direction to make a correction to the environmental impact analysis or to consider a supplemental environmental analyses, if needed, to the Responsible Official.
4. The response must be sent to the objecting party or parties by certified mail, return receipt requested, and posted on the Forest Service's applicable website (see 36 CFR 219.57(b) and sec. 51.64).

51.7 – Maintaining Objection Records

Because the objection process is predecisional, the planning record remains "open" through that process up until the decision document is signed, and so includes the documents related to the objection (the objection record). The planning record must be organized so that the objection record can be readily identified.

The objection record for the plan, plan revision, or plan amendment must include:

1. The legal notice of the beginning of the objection period on the plan, plan revision, or plan amendment.
2. A list of the participants in the objection process, including any meetings or negotiations.

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3. The objection(s) filed, including those set aside from further review and the reasons for being set aside.
4. Correspondence between objectors, interested persons, Reviewing Officers, and Responsible Officials about the objections.
5. The response to the objection(s).

51.8 – Timing of Plan Approvals

The Responsible Official may approve a plan, plan revision, or plan amendment after:

1. The Reviewing Officer has responded to all objections (including those set aside from review) in writing, and
2. The Responsible Official has made corrections or changes and taken all actions, including conducting supplemental environmental analysis, if needed, stipulated in the Reviewing Officer's response to the objection(s).