



FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK

CHAPTER 50 – OBJECTION PROCESS

Amendment No.: The Directive Manager completes this field.

Effective Date: The Directive Manager completes this field.

Duration: This amendment is effective until superseded or removed.

Approved: NAME OF APPROVING OFFICIAL **Date Approved:** mm/dd/yyyy
 Title of Approving Official

Posting Instructions: Amendments are numbered consecutively by Handbook number and calendar year. Post by document; remove the entire document and replace it with this amendment. Retain this transmittal as the first page(s) of this document. The last amendment to this Handbook was xx09.xx-xx-x to xxxxx.

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Superseded Document(s) by Issuance Number and Effective Date	1909.12_50 (Amendment 1909.12-2006-6, 01/31/2006)	xx Pages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

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 50 – OBJECTION PROCESS**

Table of Contents

50.1 - Authority.....	3
50.2 - Objectives	3
50.4 - Responsibility	3
50.41 - Chief	3
50.42 - Deputy Chief, National Forest System	4
50.43 - Washington Office, Director, Ecosystem Management Coordination Staff	4
50.44 - Regional Forester.....	4
50.45 - Forest, Grassland, Prairie, or Other Comparable Administrative Unit Supervisor	5
50.46 - Responsible Official	5
50.47 - Reviewing Officer	5
50.6 - Exhibits.....	6
51 - OBJECTIONS.....	3
51.1 - Plans, Plan Revisions, and Plan Amendments Not Subject To Objection	3
51.2 - Giving Notice	4
51.3 - Computation of Time Periods.....	7
51.4 - Filing Objections	7
51.41 - Eligibility to File Objections	7
51.42 - Objection Filing Period	8
51.43 - Validating Objections	8
51.43a - Evidence of Timely Filing	8
51.43b - Authorship and Eligibility	9
51.43c - Content Including Issues for Review.....	9
51.44 - Electronic Inboxes	10
51.5 - Objections Set Aside From Review.....	10
51.51 - Non-Substantive Comments	10
51.52 - Issues Not Based on Previously Submitted Substantive Formal Comments.....	10
51.53 - Content Requirements for Objections	12
51.6 - Resolution of Objections	12
51.61 - Lead Objectors.....	13
51.62 - Timeframes for Resolving Objections.....	13
51.63 - Notice of Objections Filed.....	14
51.64 - Resolution Meetings	16
51.65 - Interested Persons	17
51.66 - Reviewing Officer Response to Objections.....	17
51.7 - Maintaining Objection Records.....	18
51.8 - Timing of Plan Approvals and Implementation	18

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK CHAPTER 50 – OBJECTION PROCESS

The National Forest System (NFS) Land Management Planning Rule 36 CFR 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.

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 include the following:

1. Provides 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. Allows objectors and the responsible official to continue to work collaboratively through objection issues before the plan is approved.
3. Allows others who have requested recognition as an interested person to participate in meetings between the Forest Service and objectors.
4. Gives 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, consistent with delegations of authority provided at FSM 1235.3 and FSM 1235.4.

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 or associate deputy chief or to a regional forester other than the regional forester who made the identification.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 50 – OBJECTION PROCESS****50.42 - Deputy Chief, National Forest System**

The Deputy Chief, National Forest System, has the authority and responsibility to approve agency-wide direction for implementing the objection process and 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 the following:

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 the following:

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, amendments, or 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 subordinate 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 when this authority has been delegated by the Chief (36 CFR 219.56(e)(2)).
5. Ensuring that responses to the objection(s) are completed promptly.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 50 – OBJECTION PROCESS****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 plan area.
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. Providing timely notices to the public, including notice of the period for filing an objection(s).
2. Assisting the reviewing officer with validating that objections meet eligibility and content requirements (sec. 51.43).
3. Participating in all meetings involving the reviewing officer, objectors, and interested persons.
4. Incorporating the reviewing officer's decision within the plan, plan revision, or plan amendment documents, as appropriate.
5. Keeping a record of all objection resolutions and integrating them with the plan, plan revision, or plan amendment documents, as appropriate.

50.47 - Reviewing Officer

The reviewing officer for the plan will do the following:

1. Receive all objections.
2. Convey 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.

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 50 – OBJECTION PROCESS

3. Review and consider valid and timely filed objections that meet the content requirements and dismisses objections that are not valid or timely.
4. Accept timely requests from interested persons to participate in objection resolution meetings.
5. Determine the appropriate means or techniques to seek to collaboratively resolve objection issues with the objector(s), a lead objector, any interested persons, and the responsible official, and, when such efforts are either successful or no longer moving towards success, proceeding to make a written response to the objection(s).
6. Promptly notify the objectors, interested persons, and the responsible official of the outcome on the objection with a written response.
7. Post objection responses to Forest Service website.
8. Maintain objection records.

The reviewing officer for the identification of the species of conservation concern:

1. Receives from the reviewing officer for the plan objections or parts thereof specific to the identification of the species of conservation concern for the plan area.
2. Follows steps 3 through 6 above.
3. Provide written response to the reviewing officer for the plan to address steps 7 through 8.

If the Chief or regional forester expects to delegate authority as the reviewing officer for any plan, plan amendment, or plan revision, the public must be notified no later than the public notice of the opportunity to comment.

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 plan decision.
2. Exhibit 02. Exhibit 02 depicts the decisionmaking 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

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 50 – OBJECTION PROCESS**

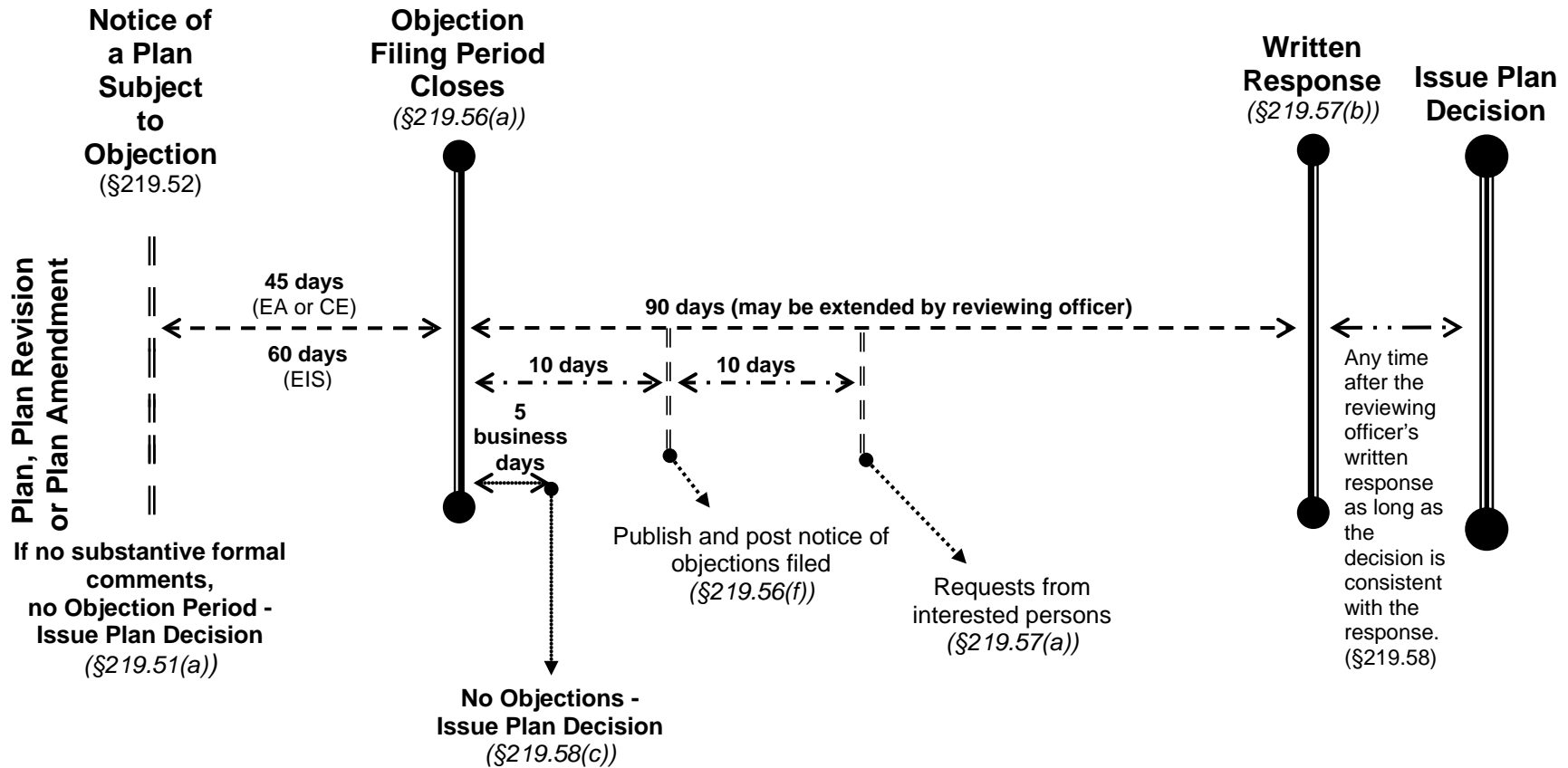
the filing of an objection (labeled “Start”). The diamonds contain questions to be answered yes or no, with corresponding arrows indicating the next step in the process.

The term “set aside from review” is used in the following exhibits as well as in subsequent section of this chapter. The term comes directly from 36 CFR 219 subpart B, and means that the reviewing officer has considered the objection or individual issues from an objection and has determined that no further action beyond documentation is required.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
 CHAPTER 50 – OBJECTION PROCESS**

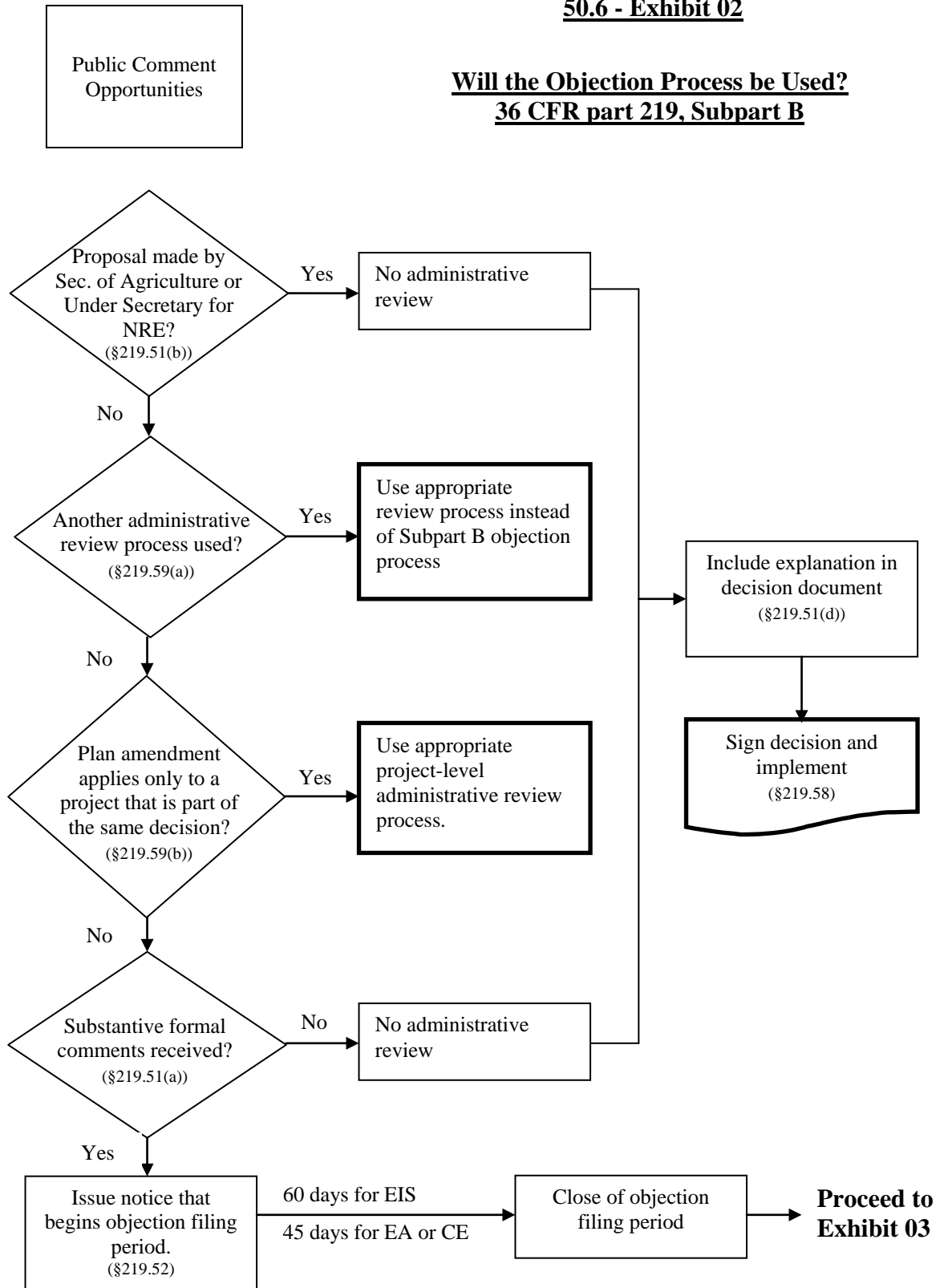
50.6 - Exhibit 01

Timeline for Objections Pursuant to 36 CFR 219, subpart B



50.6 - Exhibit 02

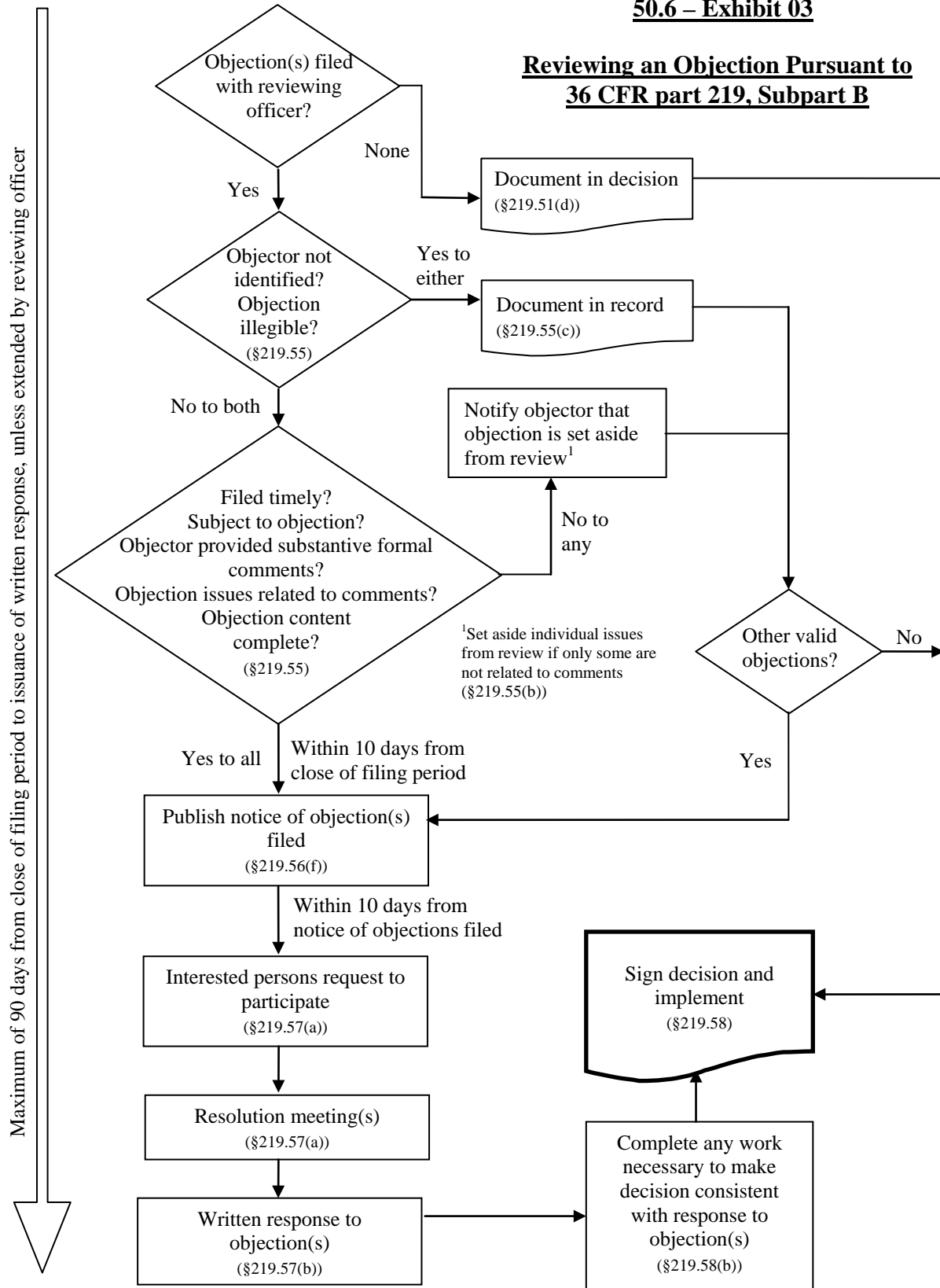
Will the Objection Process be Used?
36 CFR part 219, Subpart B



**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 50 – OBJECTION PROCESS**

50.6 – Exhibit 03

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



**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 50 – OBJECTION PROCESS****51 - OBJECTIONS**

The responsible official shall follow the procedures for objections before approving plans, plan revisions, or plan amendments (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:

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 proposes a plan, plan revision, or plan amendment (36 CFR 219.51(b)); and
3. Another administrative review process is used consistent with 36 CFR 219.59 (36 CFR 219.51(c)). This 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 (36 CFR 219.59(a)). The administrative review procedures adopted should generally provide for a level of independent review commensurate with the objection procedures. The planning regulation at 36 CFR 219.59(a) also requires:

... As a condition of such a waiver, the responsible official for the Forest Service must have 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 is to be used.

b. When a plan amendment is 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 215 or 36 CFR 218, subpart A, applies instead of the objection process for plans (36 CFR 219.59(b)). Such amendments are

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 50 – OBJECTION PROCESS**

generally in the form of a project-specific variance allowing the project to be consistent with the land management plan.

Conversely, when a plan amendment applies to all future projects or activities, the objection process for plans does apply, but only to the plan amendment decision. The review process of 36 CFR 215 or 36 CFR 218 would apply to the project or activity part of the decision (36 CFR 219.59(b)). Where this occurs, the responsible official will make clear in the documents themselves (that is, the draft decision) and in the notice of the opportunity to comment, the following:

- (1) Identify what part of the decision is subject to the objection process;
- (2) Identify what part of the decision is subject to other administrative review procedures and explain what those procedures are; and
- (3) Identify what part of the decision should be included in the objection process, and what part of the decision should be held for the project-specific process.

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

51.2 - Giving Notice

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. Notices in the newspaper of record (or the Federal Register if the responsible official is the Chief) generally coincide with the Notice of Availability of a final environmental impact statement published in the Federal Register by the EPA under the requirements of the NEPA regulations. However, it is the publication date of the notice in the newspaper of record (or Federal Register if the responsible official is the Chief) that begins the objection filing period (36 CFR 219.52(c)(5)). Within three business days of the publication of notice in the applicable newspaper of record, a scanned copy of the notice with the associated publication date will be posted online at a minimum to the same website provided in the notice for all other related documents.

The responsible official shall provide the notice of the beginning of an objection period directly, through postal mail or email, to those who have requested the environmental documents or are eligible to file an objection (36 CFR 219.53).

See exhibit 01 for a sample notice of the beginning of an objection filing period.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 50 – OBJECTION PROCESS****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, XXX Region, XXX National Forest, has prepared a(n) [Environmental Impact Statement, Environmental Assessment, or 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 in which individuals or organizations with specific concerns may file an objection for an independent 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 to the website. The publication date of the public notice of the beginning of the objection period of the [plan, plan revision, or plan amendment] in the [applicable newspaper of record or Federal Register] before approval (36 CFR 219.16 and 219.52) is the exclusive means for calculating the time to file an objection. Objectors must not rely on dates or timeframe information provided by any other source (36 CFR 219.56(b)(3)).

The objection process provides an opportunity for members of the public who have participated in opportunities for public participation provided throughout the planning process to have any unresolved concerns receive an independent review by the Forest Service prior to a final decision being made by the responsible official. Only those who provided substantive formal comments during opportunities for public comment are eligible to file an objection pursuant to regulations at 36 CFR 219 subpart B which defines substantive formal comments as:

Written comments submitted to, or oral comments recorded by, the responsible official or his designee during an opportunity for public

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 50 – OBJECTION PROCESS**

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.

How to File an Objection

Mailed, emailed, faxed, and hand-delivered objections concerning this action will be accepted for [45 or 60] calendar days following the publication of this notice in the [newspaper of record or Federal Register]. The publication date is the exclusive means for calculating the objection filing period. Those wishing to object should not rely upon dates or timeframe information provided by any other source. 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 Word (.doc). In cases where no identifiable name is attached to an objection, a verification of identity will be requested confirming objection eligibility. If the objection is supported by documents, with the exceptions listed in 36 CFR 219.54(b), all documents must be provided with the objection; a bibliography is not sufficient.

At a minimum 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;
- (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 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;

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 50 – OBJECTION PROCESS**

- (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.

All objections are open to public inspection and will be posted to the Forest Service website.

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 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 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. Planning regulations specify that objectors must not rely on dates or timeframe information provided by any other source (36 CFR 219.56(b)(3)).
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, as required at 36 CFR 219.16 and 219.56(b)(2).

51.4 - Filing Objections**51.41 - Eligibility to File Objections**

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

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 50 – OBJECTION PROCESS****51.42 - Objection Filing Period**

Depending on the type of environmental analysis document being prepared, the planning regulations at 36 CFR 219.56 requires different time periods to file an objection. When an environmental impact statement (EIS) is prepared the filing period is 60 days, beginning the day after the publication date of the public notice required at sections 219.16 and 219.52. For plan amendments where an EIS is not prepared, the filing period is 45 days, also beginning the day after the publication of the public notice. Time extensions for filing are not permitted, except as noted in section 51.3 of this Handbook.

51.43 - Validating Objections

The reviewing officer shall ensure that all objections meet the requirements of timeliness (36 CFR 219.56), authorship (36 CFR 219.54(c)(2)), eligibility (36 CFR 219.53), and content (36 CFR 219.54(c)). The responsible official should assist with validating that each objector meets the eligibility requirement and the content requirements (sec.51.43c). The reviewing officer and responsible official should expedite validation of objections to maximize the time available for issue discussion and resolution of objections. Objections that the reviewing officer cannot validate must be set aside from further review (sec. 51.5).

51.43a - Evidence of Timely Filing

Objections, including any attachments, must meet the timeliness requirements of 36 CFR 219.56(c) to be considered. When there is a question about timely submission of filing, timeliness must be determined as follows:

1. Hand-delivered objections 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). A receipt must be provided to the objector at that time.
2. Objections electronically mailed or objections sent by fax must have an electronically generated time and date showing that the objections were posted to the reviewing officer's electronic inbox or fax 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). If electronically mailed objections are 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.
3. Objections mailed to the reviewing officer's office by the Postal Service must be postmarked by the Postal Service by 11:59 p.m. on the last day of the objection filing

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 50 – OBJECTION PROCESS**

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).

4. Objections delivered to the reviewing officer's office by express delivery service must be shipped by the express delivery 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).

The reviewing officer will provide written acknowledgement of receipt of the objection, if requested by the objector.

51.43b - Authorship and Eligibility

The responsible official shall confirm that parties submitting objections meet the eligibility requirements of 36 CFR 219.53. The reviewing officer should transmit a list of objectors electronically to the responsible official and the responsible official should respond in writing to the reviewing officer with the confirmations of eligibility.

If there is a question as to the authenticity of the objection, the reviewing officer should request other verification of authorship (36 CFR 219.54(c)(2)).

51.43c - Content Including Issues for Review

The reviewing officer shall confirm that objections meet the content requirements at 36 CFR 219.54(c). One of the content requirements is a statement that demonstrates the link between prior 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 (36 CFR 219.54(c)(7)). As part of the confirmation process, the reviewing officer should forward this statement from each objector to the responsible official for verification against the planning record. The responsible official should respond in writing to the reviewing officer with the confirmation that issues raised in objection are based on previously submitted substantive formal comments (36 CFR 219.53(a)).

The requirement at 36 CFR 219.54(c)(6) for a concise statement is satisfied if there is sufficient information to understand the reason for the objection. The objection need not be comprehensive, but should provide a basis for dialogue between the reviewing officer and the objector.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 50 – OBJECTION PROCESS****51.44 - Electronic Inboxes**

The reviewing officer shall accept electronically mailed objections. The reviewing officer should use an e-mail address that provides an automated electronic acknowledgement from the agency to the objector as confirmation of date and time of receipt.

51.5 - Objections Set Aside From Review

The reviewing officer shall set aside and not review a filed objection when any of circumstances listed at 36 CFR 219.55(a) apply. When a reasonable means of contact is provided, the 36 219.55(c) requires:

(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.

51.51 - Non-Substantive Comments

When an objector provides formal comments that the reviewing officer deems non-substantive, but that are otherwise consistent with the requirements at 36 CFR 219.53(a), the reviewing officer shall set aside the objection from review (36 CFR 219.55(a)(3) and 36 CFR 219.62). Per 36 CFR 219.62, 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. A finding by the reviewing officer that formal comments were not substantive should be not be made lightly. When making such a finding, the reviewing officer shall document the reason for such a finding and provide written notice to the objector. The objection must be processed if the reviewing officer finds that the comment was substantive. Refer to FSM 1909.12, chapter 40, section 43.18 for further information on what constitutes a substantive comment.

51.52 - Issues Not Based on Previously Submitted Substantive Formal Comments

When 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)). The reviewing officer's determination to set aside an objection based on this criteria shall be made with deference to the objector's statements defining the link between the objection and prior substantive formal comments. The objection must be processed if the reviewing officer finds that at least one issue included in the objection is based on previously submitted substantive formal comments or arose after the opportunities for formal

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 50 – OBJECTION PROCESS**

comment; however, any other issues included in the objection that the reviewing officer finds are not based on previously submitted substantive formal comments and did not arise after the opportunities for formal comment must not be included in the review process.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 50 – OBJECTION PROCESS****51.53 - Content Requirements for Objections**

The content requirements for objections are 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;**
 - (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;**
 - (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 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))**

Incomplete responses to items (5) through (7) make review of an objection difficult and are conditions under which the reviewing officer may set aside an objection pursuant to 36 CFR 219.55(a)(5). However, the reviewing officer can also choose to follow-up with the objector to obtain the missing content items.

51.6 - Resolution of Objections

An objection may be resolved in a variety of ways:

1. An objector may withdraw the objection or portion of the objection by writing to the reviewing officer prior to a written response to the objection.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 50 – OBJECTION PROCESS**

2. Agreement on how to address the issues may be reached between the objector and the responsible official, with subsequent documentation of the withdrawal of all or a portion of the objection by letter to the reviewing officer from the objector prior to written response to the objection.
3. The responsible official, with consent of the reviewing officer, may decide that further analysis is needed. The responsible official shall send a letter to the objecting party(ies) by certified mail, return receipt requested, identifying the needed analysis.
4. The reviewing officer responds to the outstanding issues in the objection, The reviewing officer's response may include instructions to the responsible official as part of the disposition of the objection. The response must be sent to the objecting party(ies) by certified mail, return receipt requested, and posted online (see 36 CFR 219.57(b) and sec. 51.64).

51.61 - Lead 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 name 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 primarily communicate and coordinate during the objection resolution process with the lead objector rather than the individuals the lead objector represents unless otherwise negotiated by the two parties.

51.62 - Timeframes for Resolving Objections

Following the close of the objection filing period, the reviewing officer shall issue a written response or otherwise resolve the objections within 90 days (36 CFR 219.56(g)). The reviewing officer may extend this time when it is determined necessary to provide adequate response to objections or to participate in discussions with the parties. This authority should be used judiciously so the objection process remains efficient. The reviewing officer should consider requests for extension of the resolution time from participants, and should consult with the responsible official, but is not obligated to grant the requests.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 50 – OBJECTION PROCESS**

The reviewing officer shall notify all parties in writing of any extensions of the objection resolution period (36 CFR 219.56(g)).

51.63 - Notice of Objections Filed

Within 10 days after close of the objection filing period, the responsible official shall publish a notice of all objections in the applicable newspaper of record and post the notice online (36 CFR 219.56(f)). The notices must include, at a minimum, the following information:

1. Name of the plan, plan revision, or plan amendment and the name and title of the responsible official and reviewing officer(s).
2. The name of the objector and affiliation, if any, for each objection filed.
3. Instructions on how to obtain a copy of any of the objections.
4. An explanation that those recognized by the reviewing officer as interested persons have an opportunity to participate in any objection resolution meetings.
5. Information regarding the deadline for requests to be recognized as an interested person (10 days after publication of the notice of objections filed in the newspaper of record).
6. Instructions on how to request recognition as an interested person, including the name, title, and contact information for the reviewing officer. Requests must include the name and affiliation, if any, of the individual; mailing address; phone number; email address for the requester; the name(s) of the objector(s) whose objections they have an interest in; and a brief explanation of their interest. Include a description of how a request stating an interest in an objection or part of an objection pertaining to the identification of species of conservation concern will be forwarded to that the reviewing officer for the identification of species of conservation concern.

Post all objections online at the Forest Service objections web page.

See exhibit 01 for a sample notice of objections filed.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 50 – OBJECTION PROCESS**

51.63 - 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* XXX Region] of the Forest Service has received [X] objection[s] regarding the [land management plan, plan revision, *or* plan amendment] for the [XXX 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 meetings between the objector[s] and the Forest Service.

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 XXX], the responsible official for this plan, on [date]. These documents are available for review at [*list your website*] or by contacting the [Forest Supervisor's *or* Regional Forester's] office at [*Area code & phone number.*]

The following individuals and entities submitted valid and timely 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 [*list your website*].

The objection process requirements at 36 CFR 219.57 allow those who request and are granted recognition as 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.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 50 – OBJECTION PROCESS****51.63 - Exhibit 01 -- Continued****Sample Notice of Objections Filed**

Requesters must submit written requests for recognition as an interested person 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.

Requests for recognition as an interested person must include the following information: name and affiliation, if any, of the individual; mailing address, phone number, and email address (if available) for the requester; the name(s) of the objector(s) whose objection the requester has an interest in, and; a brief explanation of the interest. Electronic requests must be submitted in a commonly used format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc). Based on the objection of interest 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.

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. If requested by an objector, a meeting will be scheduled. Objectors, interested persons, and the responsible official shall be notified of all scheduled meetings. The responsible official shall be a participant in all meetings (36 CFR 219.57(a)).

The reviewing officer is responsible for the conduct of the meetings. The reviewing officer shall allow objectors, interested persons, and the responsible official to participate in a constructive and appropriate manner. All meetings are open to observation by other 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.

Whenever possible, meetings should be face-to-face. Other options include teleconferences and video-teleconferences. When necessary, Forest Service facilities, other than the responsible official's or reviewing officer's office, may be used to accommodate participation by objectors, interested persons, or members of the public. Emphasis should always be placed on making meetings open, accessible, and transparent.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 50 – OBJECTION PROCESS**

Individual meetings may be structured to address some or all of the objection issues. Interested persons' participation should be limited to discussions of those issues or objections they specified when they submitted their request. Neither objectors nor interested persons may be permitted to introduce new issues into the discussion, unless those issues are directly related to resolutions proposed for issues raised in objection. This does not preclude presentation of additional documentation relevant to objection issues by the objectors, the reviewing officer, or the responsible official.

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.

51.65 - Interested Persons

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)

As a more collaborative approach to conducting administrative reviews and addressing unresolved concerns, 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. These are termed “interested persons” and may include any other party not named in the objection.

The reviewing officer shall acknowledge and respond promptly to all requests to be given interested person status. Requests should generally be approved. If the request is denied, the response must include the explanation for the denial.

Once an individual or entity is recognized as an interested person, they shall receive notification 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.

51.66 - Reviewing Officer Response to Objections

The reviewing officer shall issue a written response(s) to objections and provide such response 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 issue 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.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 50 – OBJECTION PROCESS**

2. Identify issues withdrawn in whole or in part by the objector(s).
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 inconsistent with specific law, regulation, or policy, stipulate the corrections needed to make it consistent.
 - b. A determination on the issues of disagreement with the plan, amendment, or revision submitted in the objection.

51.7 - Maintaining Objection Records

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.
3. The objection(s) filed, including those dismissed and the reasons for dismissal.
4. Correspondence between objectors, interested persons, reviewing officers, and responsible officials about objections to the plan, plan revision, or plan amendment.
5. The response to the objection(s).

51.8 - Timing of Plan Approvals and Implementation

Following the objection process, the responsible official may approve the plan, plan revision, or plan amendment. Approval must be in accordance with 36 CFR 219.14.

The responsible official may approve a plan, plan revision, or plan amendment after:

1. The reviewing officer has responded to all objections (including dismissals) in writing, and
2. The responsible official has made corrections or changes stipulated in the reviewing officer's response to the objection.