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Subject H-1601-1 LAND USE PLANNING HANDBOOK

1. Explanation of Material Transmitted: This Handbook provides specific guidance for preparing, amending, revising, maintaining, implementing, monitoring, and evaluating BLM land use plans. It provides further guidance related to the objectives, authorities, responsibilities, and policy considerations outlined in Manual Section 1610, Land Use Planning.

This guidance applies to all new planning starts and to other plans (such as plans in progress or completed plans) depending on the stage they are in (from this point forward, not retroactively).

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4. Filing Instructions: File as directed below.

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Ed Shepard
Assistant Director
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United States
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Bureau of Land Management



Land Use Planning Handbook

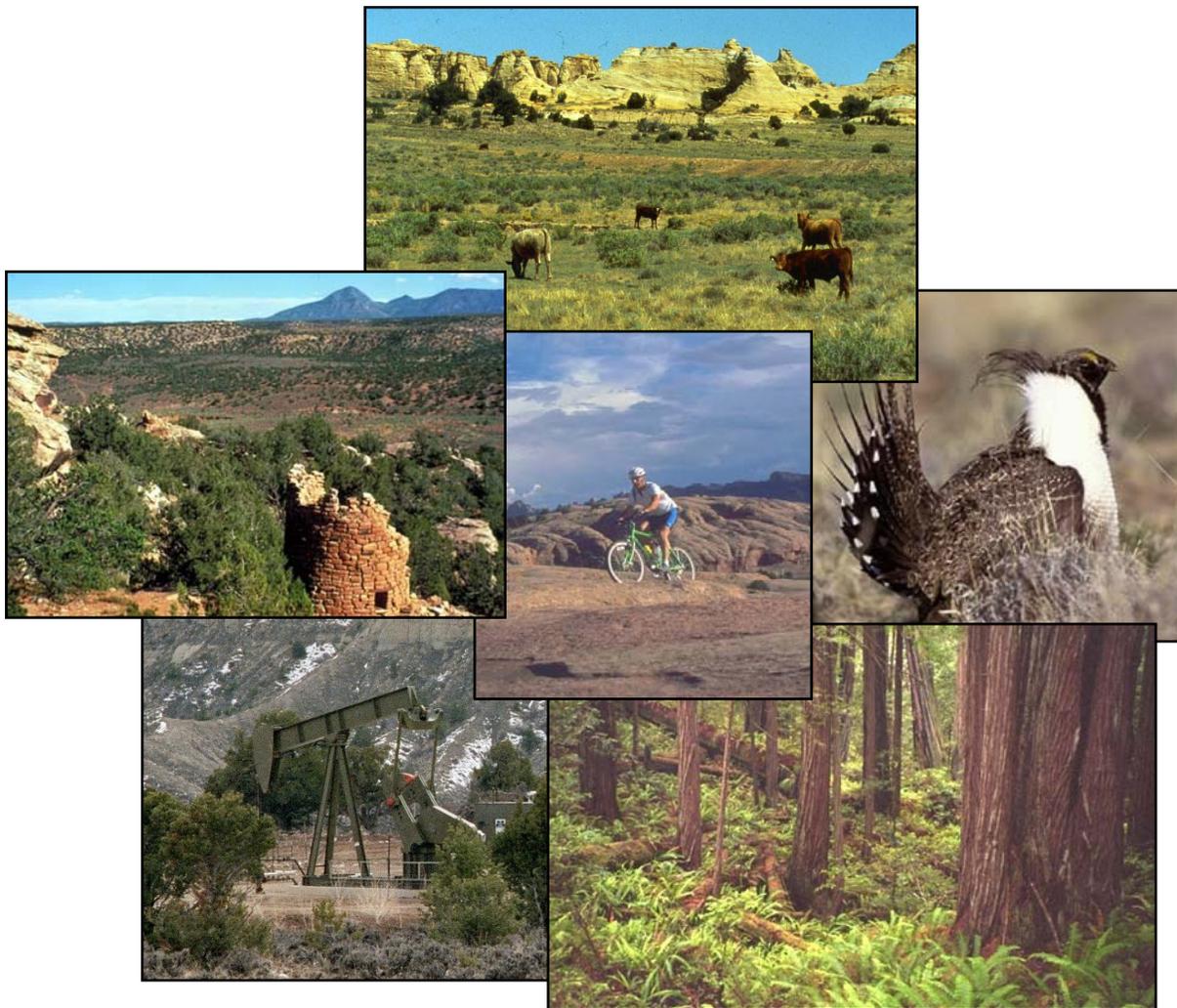


Table of Contents

| | | |
|------|---|----|
| I. | Introduction | 1 |
| A. | The Purpose of This Handbook and the Need for Planning Guidance | 1 |
| B. | The Basic Planning Process | 2 |
| C. | Forms of Public and Intergovernmental Involvement..... | 2 |
| D. | Collaborative Planning..... | 4 |
| E. | Coordination and Cooperation with Other Federal Agencies and State and Local Governments | 5 |
| F. | Government-to-Government Coordination with Indian Tribes..... | 9 |
| II. | Land Use Plan Decisions..... | 11 |
| A. | Introduction..... | 11 |
| B. | Types of Land Use Plan Decisions | 12 |
| C. | Geographic Areas..... | 14 |
| D. | Scale of Planning | 14 |
| E. | Multijurisdictional Planning..... | 15 |
| F. | Establishing Management Direction for Lands that May Come Under the BLM Jurisdiction in the Future. | 15 |
| III. | Land Use Planning Process and Products..... | 16 |
| A. | Planning for Environmental Impact Statement-level Efforts..... | 16 |
| B. | Planning for Environmental Assessment-level Efforts | 25 |
| IV. | Implementation..... | 29 |
| A. | Implementing Land Use Plans | 29 |
| B. | Defining Implementation Decisions..... | 29 |
| C. | Making Implementation Decisions | 30 |
| D. | Making Land Use Plan and Implementation Decisions in the Same Planning Effort..... | 30 |
| E. | Developing Strategies to Facilitate Implementation of Land Use Plans..... | 31 |
| V. | Monitoring, Evaluation, and Adaptive Management..... | 32 |
| A. | Monitoring | 32 |
| B. | Evaluation..... | 33 |
| C. | Adaptive Management | 36 |
| VI. | Determining if New Decisions are Required..... | 37 |
| A. | Specific Regulatory Requirements for Considering New Information or Circumstances..... | 37 |
| B. | Considering New Proposals, Circumstances, or Information | 37 |
| C. | Deciding Whether Changes in Decisions or the Supporting NEPA Analyses are Warranted..... | 38 |
| D. | Documenting the Determination to Modify, or Not to Modify, Decisions or NEPA Analysis..... | 41 |
| E. | Evaluating New Proposals..... | 41 |
| F. | Plan Conformance | 42 |
| G. | Plan Conformance and Ongoing NEPA Activities..... | 42 |
| H. | Determining When to Update Land Use Plan Decisions Through Maintenance Actions..... | 44 |

VII. Amending and Revising Decisions44

- A. Changing Land Use Plan Decisions.....44
- B. Determining When it is Necessary to Amend Plans and How it is Accomplished.....45
- C. Determining When it is Necessary to Revise an RMP or Replace an MFP.....46
- D. Changing Implementation Decisions46
- E. Status of Existing Decisions During the Amendment or Revision Process47
- F. Coordinating Simultaneous Planning/NEPA Processes47

Glossary of Terms and AcronymsGlossary - 1

- TermsGlossary - 1
- AcronymsGlossary - 9

Appendix A: Guide to Collaborative Planning.....Appendix A, page 1

- I. PrinciplesAppendix A, page 1
- II. PracticesAppendix A, page 2
- III. BenefitsAppendix A, page 3
- IV. ToolsAppendix A, page 3

Appendix B: Federal Advisory Committee Act Considerations.....Appendix B, page 1

- I. PurposeAppendix B, page 1
- II. Implementing FACA.....Appendix B, page 1
 - A. Avoiding Violations.....Appendix B, page 1
 - B. Determining if FACA AppliesAppendix B, page 2
 - C. FACA Requirements.....Appendix B, page 2

Appendix C: Program-Specific and Resource-Specific Decision GuidanceAppendix C, page 1

- I. Natural, Biological, and Cultural ResourcesAppendix C, page 2
 - A. AirAppendix C, page 2
 - B. Soil and Water.....Appendix C, page 2
 - C. VegetationAppendix C, page 3
 - D. Special Status Species.....Appendix C, page 4
 - E. Fish and Wildlife.....Appendix C, page 6
 - F. Wild Horses and Burros.....Appendix C, page 7
 - G. Cultural ResourcesAppendix C, page 8
 - H. Paleontology.....Appendix C, page 10
 - I. Visual ResourcesAppendix C, page 11
 - J. Wildland Fire Management.....Appendix C, page 11
 - K. Wilderness Characteristics.....Appendix C, page 12
 - L. Cave and Karst Resources.....Appendix C, page 13
- II. Resource UsesAppendix C, page 13
 - A. ForestryAppendix C, page 13
 - B. Livestock Grazing.....Appendix C, page 14
 - C. Recreation and Visitor Services.....Appendix C, page 15
 - D. Comprehensive Trails and Travel Management.....Appendix C, page 17
 - E. Lands and RealtyAppendix C, page 20

H-1601-1 — LAND USE PLANNING HANDBOOK – (Public)

| | |
|---|---------------------|
| F. Coal..... | Appendix C, page 21 |
| G. Oil Shale..... | Appendix C, page 23 |
| H. Fluid Minerals: Oil and Gas, Tar Sands, and Geothermal Resources..... | Appendix C, page 23 |
| I. Locatable Minerals | Appendix C, page 24 |
| J. Mineral Materials | Appendix C, page 25 |
| K. Non-energy Leasable Minerals | Appendix C, page 26 |
| III. Special Designations..... | Appendix C, page 27 |
| A. Congressional Designations..... | Appendix C, page 27 |
| B. Administrative Designations..... | Appendix C, page 27 |
| IV. Support..... | Appendix C, page 28 |
| A. Cadastral..... | Appendix C, page 29 |
| B. Interpretation and Environmental Education | Appendix C, page 29 |
| C. Transportation Facilities..... | Appendix C, page 30 |

Appendix D: Social Science Considerations in Land Use

| | |
|---|---------------------|
| Planning Decisions..... | Appendix D, page 1 |
| I. Using Social Science in Land Use Planning | Appendix D, page 1 |
| II. Incorporating Socio-economic Information..... | Appendix D, page 2 |
| A. The Planning Process..... | Appendix D, page 2 |
| B. Objectives of the Analysis..... | Appendix D, page 2 |
| C. The Scope of Analysis..... | Appendix D, page 4 |
| D. Deliverables in Contracting | Appendix D, page 8 |
| E. Analytic Guidelines..... | Appendix D, page 8 |
| III. Public Involvement | Appendix D, page 10 |
| A. Integrating Social Science into Public Involvement..... | Appendix D, page 10 |
| B. Economic Strategies Workshop | Appendix D, page 10 |
| IV. Environmental Justice Requirements | Appendix D, page 11 |
| A. BLM's Environmental Justice Principles | Appendix D, page 11 |
| B. Incorporating Environmental Justice Efforts in the RMP/EIS Process..... | Appendix D, page 12 |
| C. Documentation and Analysis | Appendix D, page 13 |
| V. Data Management | Appendix D, page 13 |
| A. Types of Data..... | Appendix D, page 13 |
| B. Data Quality and Analytic Soundness..... | Appendix D, page 13 |
| C. Paperwork Reduction Act Requirements for New Data Collection..... | Appendix D, page 14 |
| VI. Data Sources | Appendix D, page 14 |
| A. Use of the Economic Profile System | Appendix D, page 14 |
| B. References | Appendix D, page 15 |
| C. Environmental Justice References | Appendix D, page 17 |
| VII. Further Guidance..... | Appendix D, page 17 |

Appendix E: Summary of Protest and Appeal Provisions.....Appendix E, page 1

| | |
|---|--------------------|
| I. Land Use Plan Protests..... | Appendix E, page 1 |
| A. Washington Office Initial Evaluation of Protests | Appendix E, page 1 |

B. State Office Evaluation and DeterminationAppendix E, page 4

C. Washington Office Final ReviewAppendix E, page 6

D. Receiving, Managing, and Responding to Electronic Mail
and Faxed ProtestsAppendix E, page 12

E. State Director’s Protest Analysis.....Appendix E, page 13

II. Governor’s Consistency Review Appeal ProcessAppendix E, page 14

III. Administrative Remedies of Implementation DecisionsAppendix E, page 14

Appendix F: Standard Formats for Land Use Plan Documents.....Appendix F, page 1

Appendix F-1: Recommended Format for Preparation Plans.....Appendix F, page 1

Appendix F-2: Recommended Format for Scoping ReportsAppendix F, page 4

Appendix F-3: Annotated Outline of the Analysis of the
Management SituationAppendix F, page 6

Appendix F-4: Annotated Outline for a Draft and
Final RMP (Amendment)/EISAppendix F, page 14

Appendix F-5: Annotated Outline for Record of Decision
(ROD)/Approved RMP (Amendment)Appendix F, page 20

Appendix F-6: Recommended Administrative Record File
Plan for Land Use Planning ProjectsAppendix F, page 24

Appendix G: Managing and Applying Data and InformationAppendix G, page 1

I. Metadata Standards and Requirements.....Appendix G, page 1

II. Identifying Data Needs for a Land Use Plan.....Appendix G, page 1

III. Data SourcesAppendix G, page 2

IV. Managing Data During Land Use Plan DevelopmentAppendix G, page 2

V. Integrating Data Application and DisplayAppendix G, page 3

I. Introduction

A. The Purpose of This Handbook and the Need for Planning Guidance

This Handbook provides supplemental guidance to the Bureau of Land Management (BLM) employees for implementing the BLM land use planning requirements established by Sections 201 and 202 of the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C. 1711-1712) and the regulations in 43 Code of Federal Regulations (CFR) 1600. Land use plans and planning decisions are the basis for every on-the-ground action the BLM undertakes. Land use plans include both resource management plans (RMPs) and management framework plans (MFPs).

Land use plans ensure that the public lands are managed in accordance with the intent of Congress as stated in FLPMA (43 U.S.C. 1701 et seq.), under the principles of multiple use and sustained yield. As required by FLPMA and BLM policy, the public lands must be managed in a manner that protects the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; that will provide for outdoor recreation and human occupancy and use; and that recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands by encouraging collaboration and public participation throughout the planning process. Land use plans are one of the primary mechanisms for guiding BLM activities to achieve the mission and goals outlined in the Department of the Interior (DOI) Strategic Plan.

This Handbook provides guidance for preparing, revising, amending, and maintaining land use plans. This Handbook also provides guidance for developing subsequent implementation (activity-level and project-specific) plans and decisions. It builds on field experience gained in implementing the 1983 planning regulations (43 CFR 1600), subsequent BLM Manual guidance, and the 2000 Handbook. This guidance does not, however, change or revise the planning regulations in 43 CFR 1600, which take precedence over this Handbook. Definitions for terms used in this Handbook are found in the glossary and in the BLM planning regulations in 43 CFR 1601.0-5.

Any interpretation of the guidance contained in this Handbook is subservient to the legal and regulatory mandates contained in FLPMA, 43 CFR 1600, the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 et seq.), the Council on Environmental Quality (CEQ) regulations at 40 CFR 1500-1508, and other applicable Federal laws and regulations. This planning guidance:

1. Encourages planning on a variety of scales, including both local and regional, in partnership with other landowners and agencies;
2. encourages active public participation throughout the planning process and facilitates multijurisdictional planning;

3. clarifies the relationship between land use plans and implementation plans (implementation plans include both activity-level and project-specific plans);
4. provides procedural requirements for completing land use plans and implementation plans;
5. clarifies the relationships between land use and implementation planning and NEPA requirements;
6. addresses new requirements and approaches for managing public lands or resources; and
7. addresses the consideration of new information and circumstances, e.g., new listings of threatened and endangered species, and new requirements and standards for the protection of air and water quality, etc.

B. The Basic Planning Process

The BLM will use an ongoing planning process to ensure that land use plans and implementation decisions remain consistent with applicable laws, regulations, orders, and policies. This process will involve public participation, assessment, decision-making, implementation, plan monitoring, and evaluation, as well as adjustment through maintenance, amendment, and revision. This process allows for continuous adjustments to respond to new issues and changed circumstances. The BLM will make decisions using the best information available. These decisions may be modified as the BLM acquires new information and knowledge of new circumstances relevant to land and resource values, uses, and environmental concerns. Modifying land use plans through maintenance and amendment on a regular basis should reduce the need for major revisions of land use plans.

C. Forms of Public and Intergovernmental Involvement

Planning is inherently a public process. The BLM uses a number of involvement methods to work with members of the public, interest groups, and governmental entities.

- *Public involvement* entails “The opportunity for participation by affected citizens in rule making, decision making, and planning with respect to the public lands, including public meetings or hearings . . . or advisory mechanisms, or other such procedures as may be necessary to provide public comment in a particular instance” (FLPMA, Section 103(d)). Several laws and Executive orders set forth public involvement requirements, including maintaining public participation records. The BLM planning regulations (43 CFR 1601-1610) and the CEQ regulations (40 CFR 1500-1508) both provide for specific points of public involvement in the environmental analysis, land use planning, and implementation decision-making processes to address local, regional, and national interests. The NEPA requirements associated with planning have been incorporated into the planning regulations.

H-1601-1 — LAND USE PLANNING HANDBOOK – (Public)

- *Coordination*, as required by FLPMA (Section 202(c)(9)), involves on-going communication between BLM managers and state, local, and Tribal governments to ensure that the BLM considers pertinent provisions of non-BLM plans in managing public lands; seeks to resolve inconsistencies between such plans; and provides ample opportunities for state, local, and Tribal government representatives to comment in the development of BLM's RMPs (43 CFR 1610.3-1). The CEQ regulations implementing NEPA further require timely coordination by Federal agencies in dealing with interagency issues (see 40 CFR 1501.6), and in avoiding duplication with Tribal, state, county, and local procedures (see 40 CFR 1506.2). See Sections I(E)(1), Coordination under FLPMA; and I(F), Government-to-Government Coordination with Indian Tribes.
- *Cooperation* goes beyond the coordination requirement of FLPMA. It is the process by which another governmental entity (Federal, state, local, or Tribal) works with the BLM to develop a land use plan and NEPA analysis, as defined by the lead and cooperating agency provisions of the CEQ's NEPA regulations (40 CFR 1501.5 and 1501.6). Normally the BLM serves as the lead agency, though in some cases other governmental entities serve with the BLM as joint leads. Cooperating agency and related roles should be formalized through an agreement. See Section I(E)(2), Cooperating agency status under NEPA.
- *Consultation* involves a formal effort to obtain the advice or opinion of another agency regarding an aspect of land use management for which that agency has particular expertise or responsibility, as required by statute or regulation. For example, the Endangered Species Act requires the BLM to consult with the U.S. Fish and Wildlife Service (USFWS) or National Oceanic and Atmospheric Administration (NOAA)-Fisheries regarding land use actions that may affect listed species and designated critical habitat (see 50 CFR 402.14).
- *Collaboration* is a process in which interested parties, often with widely varied interests, work together to seek solutions with broad support for managing public and other lands. Collaboration mandates methods, not outcomes; and does not imply that parties will achieve consensus. Depending on local circumstances and the judgment of the Field Manager, varying levels of collaboration may be used in specific involvement processes. See Section I(D), Collaborative Planning.

Section 309 of FLPMA (43 U.S.C. 1739) requires that resource advisory councils (RACs) or their functional equivalent be involved in the land use planning process. RACs, which are advisory groups chartered under the Federal Advisory Committee Act (FACA) (86 Stat. 770, 5 U.S.C.A., Appendix 2), may advise the BLM regarding the preparation, amendment, and implementation of land use plans for public lands and resources within a jurisdictional area. In addition, Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (Environmental Justice), February 11, 1994, requires the BLM to find ways to communicate with the public that are germane to community-specific needs in areas with low income or minority populations or Tribes.

Comments or protests submitted to the BLM for use in its planning efforts, including names and home addresses of individual(s) submitting the comments, are subject to disclosure under the

Freedom of Information Act (FOIA, 5 U.S.C. 552); however, names and home addresses of individuals may be protected from disclosure under exemption 6 of FOIA. In order to protect names and home addresses from public review or disclosure, the individual(s) submitting comments must request that their names and addresses be held in confidence. Offices must place the following or a similar statement in all notices requesting public input or announcing protest opportunities, including public meeting “sign-in” sheets, notices in newspapers, on the Internet, in *Federal Register* Notices of Intent and Notices of Availability, and in “Dear Interested Party” letters in the planning/NEPA documents:

FREEDOM OF INFORMATION ACT CONSIDERATIONS: Public comments submitted for this planning review, including names and street addresses of respondents, will be available for public review at the XYZ Field Office during regular business hours (x:xx a.m. to x:xx p.m.), Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

D. Collaborative Planning

Collaboration as a general term describes a wide range of external and internal working relationships. Early identification of the most appropriate, efficient, and productive type of working relationships is desirable to achieve meaningful results in land use planning initiatives.

While the ultimate responsibility regarding land use plan decisions on BLM-administered lands rests with BLM officials, it is recognized that individuals, communities, and governments working together toward commonly understood objectives yields a significant improvement in the stewardship of public lands. Benefits of building collaborative partnerships include improving communication, developing a greater understanding of different perspectives, and finding solutions to issues and problems.

A collaborative approach to planning entails BLM working with Tribal, state, and local governments; Federal agencies; and other interested parties; from the earliest stages and continuing throughout the planning process, to address common needs and goals within the planning area. At the same time, BLM should consider existing plans of Tribal, state, and local governments and other Federal agencies. The BLM official must identify the decision space (i.e., regulations, policies, and local, regional and national interests) within which the BLM must operate, but the community or group working with the BLM may help focus the planning effort.

Although the initial stages of developing an open and inclusive process are time consuming, the potential returns from relationship building, cost savings, and durability of decisions more than compensate for this effort. To provide for effective public participation in any collaborative planning process, it is important to communicate effectively with the public and invite participation in all aspects of the planning effort. Outreach to distant interests is also important. An effective outreach strategy will inform distant publics as well as local residents. Appendix A of this Handbook provides additional guidelines on collaborative processes. Also see Executive Order 13352 (Facilitation of Cooperative Conservation).

The strategies associated with BLM’s national Alternative Dispute Resolution (ADR)/Collaborative Action Program are valuable resources for providing support to collaborative planning processes. The principal objective of the Program is to foster or strengthen ADR-based collaborative engagement with communities and other stakeholders, focusing primarily on helping to ensure successful outcomes on the ground through ADR-based collaboration.

Although the primary emphasis is on prevention of conflicts or disputes in the planning process through early engagement and convening to ensure up-front communication and consultation, the ADR/Collaborative Action Program’s initiatives also address more formal conflicts or disputes that may arise during the planning process, as well as those associated with protests and litigation. The Program’s goal is to prevent, resolve, or mitigate adverse impacts to the Bureau before a protest or judicial action is filed wherever possible and to address all the parties’ interests.

In using the collaboration and ADR processes, it is important to be aware of the situations where FACA does or does not apply so that an informed decision can be made to either avoid conflict with FACA, to utilize the resources of a RAC, or pursue a FACA charter for any advisory groups (see Appendix B). Failure to review collaborative planning efforts and the requirements of FACA could result in land use plans being overturned if challenged in court. The Congress passed FACA in 1972 to reduce narrow, special-interest group influence on decision makers, to foster equal access for the public to the decision-making process, and to control costs by preventing the establishment of unnecessary advisory committees.

E. Coordination and Cooperation with Other Federal Agencies and State and Local Governments

FLPMA and NEPA provide BLM managers with complementary directives regarding coordination and cooperation with other agencies and governments. FLPMA emphasizes the need to insure coordination and consistency with the plans and policies of other relevant jurisdictions. NEPA provides for what is essentially a cooperative relationship between a lead agency (here, normally BLM) and cooperating agencies in the NEPA process.

(Consultation requirements for specific resources and programs are outlined in Appendix C, under the Notices, Consultations, and Hearings subsections.)

1. Coordination under FLPMA

Section 202(c)(9) of FLPMA, as paraphrased, requires the BLM to provide for involvement of other Federal agencies and state and local government officials in developing land use decisions for public lands, including early public notice of proposed decisions that may have a significant effect on lands other than BLM-administered Federal lands (for coordination with Indian Tribes, see Section F following this section). Note that FACA does not apply to meetings with other governmental entities. Coordination must start as early in the land use planning process as is practical and must continue throughout the planning effort. This process of early coordination and involvement by other Federal agencies and state and local governments is often, but not

always, formalized through various memoranda of understanding (MOUs) between the State Director and the state or regional heads of other Federal agencies, between the State Director and the Governor, or between BLM Field Managers and local municipalities, communities, counties, or burroughs. The intent of a MOU is to establish points of contact and protocols for coordination between BLM and its partners. Regardless of whether an MOU is used as a tool for consistency, the principles of collaborative planning must be used in coordinating with these entities. The BLM can also seek involvement and coordination from associations of elected officials.

Section 202(c)(9) of FLPMA also requires, to the extent practical, that BLM keep itself informed of other Federal agency and state and local land use plans, assure that consideration is given to those plans that are germane to the development of BLM land use plan decisions, and assist in resolving inconsistencies between Federal and non-Federal plans. The key is ongoing, long-term relationships where information is continually shared and updated.

Many municipalities, communities, and counties have established community advisory boards, county commissions, planning boards, public land use advisory committees, or other similar planning and advisory groups. In some cases a state may have a Federal lands or policy liaison. These organizations and officials should be actively engaged from the beginning of the planning effort. The BLM may invite other Federal agencies and state and local governments to be involved as formal cooperating agencies. In planning efforts led by another agency or government entity, the BLM can be a cooperating agency.

Involving state and local government in developing land use decisions may require the BLM to be “at the table” with the various land use boards of the state or local government. In principle, coordination with and involvement of other Federal agencies and state and local government goes far beyond merely providing briefings on the status of any planning effort. In practice, however, staffing and resource constraints by other agencies and local governments may limit their involvement. BLM’s plans shall be consistent with other Federal agency, state, and local plans to the maximum extent consistent with Federal law and FLPMA provisions. All BLM land use plans or plan amendments and revisions must undergo a 60-day Governor’s consistency review prior to final approval. BLM’s procedures for the Governor’s consistency review are found in the planning regulations in 43 CFR 1610.3-2(e).

When other Federal agencies and state and local governments initiate planning efforts that may affect or be affected by BLM’s management decisions, the BLM should collaborate in such planning efforts to the extent possible.

2. Cooperating agency status under NEPA

Cooperating agency status provides a formal framework for governmental units—local, state, Tribal, or Federal—to engage in active collaboration with a lead Federal agency to implement the requirements of NEPA. This guidance supplements CEQ regulations on cooperating agency status.

H-1601-1 — LAND USE PLANNING HANDBOOK – (Public)

In principle, a cooperating agency shares the responsibility with the lead agency for organizing the planning process. Within the constraints of time and resources, cooperating agency staff should be encouraged to participate fully with BLM staff as members of the plan/EIS team. Responsibilities of a cooperating agency may include:

- Formal involvement in scoping and sharing the responsibility for defining and framing the issues to be examined in the NEPA process;
- developing information and analysis for which the agency has particular expertise;
- contributing staff to enhance the interdisciplinary team's capabilities; and
- bearing the costs of its own participation.

When properly conducted, the lead agency/cooperating agency relationship provides mutual benefits. From the BLM's perspective the goals of the cooperating agency relationship include:

- Gaining early and consistent involvement of key governmental partners;
- incorporating local knowledge of economic, social, and political conditions;
- addressing intergovernmental issues;
- avoiding duplication of effort;
- enhancing the local credibility of the review process; and
- building relationships of trust and collaboration for long-term mutual gain.

a. Criteria for cooperating agency status. The CEQ defines cooperating agency in regulations implementing NEPA, particularly at 40 CFR 1501.6 and 1508.5. CEQ regulations specify that a Federal agency, state agency, local government, or Tribal government may qualify as a cooperating agency because of “. . . jurisdiction by law or special expertise.”

1) Jurisdiction by law means “. . . agency authority to approve, veto, or finance all or part of the proposal.” (40 CFR 1508.15)

2) Special expertise means “. . . statutory responsibility, agency mission, or related program experience.” (40 CFR 1508.26)

BLM has interpreted the definition of special expertise broadly. For example, county or Tribal governments potentially affected by a BLM planning effort would qualify on this basis through their knowledge of local social, economic, and political conditions.

Cooperating agency status is at the request of the lead Federal agency. Another Federal agency having “jurisdiction by law” in the matters subject to the NEPA process must serve as a

cooperating agency when so requested. A Federal agency qualifying through “special expertise,” or a state, local, or Tribal government qualifying under either criterion may accept or decline a request to serve as a cooperating agency (40 CFR 1501.6, 1508.5).

Whether or not a federally-recognized Tribe enters into a cooperating agency relationship, its fundamental connection to the BLM is based on Tribal sovereignty, manifested through the government-to-government relationship.

b. Responsibilities of BLM managers. Before BLM begins the scoping process to develop, revise, or amend (EIS-level amendments only) an RMP, the State Director or Field Manager will invite qualifying Federal agencies and state, local, and Tribal governments to participate as cooperating agencies. State Directors and Field Managers will consider any requests from other Federal agencies and state, local, and Tribal governments for cooperating agency status. Field Managers who deny such requests will inform the State Director of the denial. The State Director will determine if the denial is appropriate.

c. Role of cooperating agencies in the RMP/EIS process. It is BLM policy to encourage the involvement of cooperating agencies throughout the planning/EIS process, although practical limitations in cooperating agencies’ time, resources, and expertise may make full involvement impractical. Field Managers should encourage the collaboration of cooperating agencies in identifying issues, developing planning criteria, collecting inventory data, analyzing data for the analysis of the management situation, formulating alternatives, and estimating the effects of alternatives. Field Managers should also collaborate with cooperating agencies in evaluating the alternatives and developing a preferred alternative. Notwithstanding such collaborative efforts, the designation of a preferred alternative and the final decision remains the exclusive responsibility of the BLM.

Roles and responsibilities of each party should be formalized and clearly described in a MOU. The key elements of a cooperating agency MOU are outlined below.

Introduction:

- Describes the planning/EIS effort, and the major statutory and regulatory requirements it fulfills
- Identifies the government entities assuming cooperating agency status through the MOU, and their qualifications as defined at 40 CFR 1508.15 and 1508.26: jurisdiction, special expertise, or jurisdiction and special expertise

Purpose (describes what will be accomplished by the MOU):

Authorities:

- Identifies the principal statutory authorities for the BLM to enter into the MOU
- Identifies the principal statutory authorities for the cooperating agencies to enter into the MOU

Roles and responsibilities:

- The roles of each party in the planning process, including contractors if applicable
- Particular interests and areas of expertise of the cooperating agencies relative to the plan
- Procedures for information sharing and confidentiality
- How the cooperating agencies' comments, recommendations, and data will be used in the planning process
- Resource commitments
- Anticipated schedule
- How final decisions will be adopted by the cooperating agencies (as applicable)
- Any other expectations of the parties

*Agency representatives (usually enumerated in an attachment):**Administration of the MOU:*

- How disagreements will be resolved
- How the MOU may be modified or terminated
- Acknowledgement that the authority and responsibilities of the parties under their respective jurisdictions are not altered by the MOU

F. Government-to-Government Coordination with Indian Tribes

The BLM will provide government officials of federally-recognized Tribes with opportunities to comment on and to participate in the development of land use plans. The BLM will consider comments, notify consulted Tribes of final decisions, and inform them of how their comments were addressed in those decisions. At a minimum, officials of federally-recognized Tribal governments must be offered the same level of involvement as state and county officials. It is recommended that coordination take place as early as possible and before official notifications are made. Land use plans and coordination activities must address the following:

1. Consistency with Tribal plans

Section 202(c)(9) of FLPMA requires the BLM to coordinate plan preparation for public lands with plans for lands controlled by Indian Tribes, so that the BLM's plans are consistent with Tribes' plans for managing Tribal resources to the extent possible, consistent with Federal law. This coordination allows the BLM and Tribes to develop management prescriptions for a larger land base than either agency can address by itself.

2. Protection of treaty rights

Land use plans must address the protection of treaty rights assured to Indian Tribes concerning Tribal uses of public lands and resources (such treaty rights in the West are generally limited to Northwestern Tribes who were subject to the Stevens Treaties of the 1850s).

3. Observance of specific planning coordination authorities

In addition to the FLPMA consistency provisions discussed above, the land use planning process, where applicable, must comply with the following statutes and Executive orders:

a. Section 101(d)(6) of the National Historic Preservation Act. This act requires the BLM to consult with Indian Tribes when historic properties of traditional religious or cultural importance to a Tribe would be affected by BLM decision-making.

b. The American Indian Religious Freedom Act. This act requires the BLM to protect and preserve the freedom of American Indians and Alaska Natives in exercising their traditional religions, including access to sites and the freedom to worship through ceremonials and traditional rites.

c. Executive Order 13007 (Indian Sacred Sites). This requires the BLM to accommodate access to and use of sacred sites and to avoid adversely affecting the physical integrity of sacred sites to the extent practicable, permitted by law, and not inconsistent with essential agency functions. The BLM must ensure reasonable notice is provided to Tribes, through government-to-government relations, of proposed actions or land management policies that may restrict future access to or ceremonial uses of, or adversely affect the physical integrity of, sacred sites, including proposed land disposals.

d. Executive Order 12898 (Environmental Justice). This requires the BLM to take into account the relevant CEQ guidelines and Department of the Interior policies and goals (see Appendix D, Table D-4).

In some cases, Native American or Tribal interests are represented by certain advocacy groups that have a “quasi-governmental” authority or interest, but that are not federally recognized. There is no statutory, fiduciary trust, or government-to-government relationship with these groups that requires consultation. These groups are consulted by BLM on the same level as any other nongovernmental organization or advocacy group using the principles of collaboration.

See BLM Manual 8120 and BLM Handbook H-8120-1 for specific guidance on Native American consultation. See Departmental Manual 512 DM 2 (Departmental Responsibilities for Indian Trust Resources).

Land use plans and their accompanying EISs must identify potential effects on Indian trust resources, trust assets, or Tribal health and safety. Any effect must be explicitly identified and documented in the land use plan, including appropriate mitigation where possible.

II. Land Use Plan Decisions

A. Introduction

Decisions in land use plans guide future land management actions and subsequent site-specific implementation decisions. These land use plan decisions establish goals and objectives for resource management (desired outcomes) and the measures needed to achieve these goals and objectives (management actions and allowable uses). Section 202(c) of FLPMA (43 U.S.C. 1712) requires that in developing land use plans, the BLM:

1. Use and observe the principles of multiple use and sustained yield;
2. use a systematic interdisciplinary approach to integrate physical, biological, economic, and other sciences;
3. give priority to designating and protecting areas of critical environmental concern (ACECs);
4. rely, to the extent available, on an inventory of public lands, their resources, and other values;
5. consider present and potential uses of public lands;
6. consider the relative scarcity of the values involved and the availability of alternative means and sites for realizing those values;
7. weigh long-term benefits to the public against short-term benefits;
8. provide for compliance with applicable Tribal, Federal, and state pollution control laws, standards, and implementation plans; and
9. to the extent consistent with the laws governing the administration of public lands, coordinate the land use inventory, planning, and management activities of public lands with land use planning and management programs of other Federal departments/agencies and state/local governments, as well as the policies of approved Tribal and state land resource management programs. The BLM must, to the extent practical, assure that consideration is given to those Tribal, state, and local plans that are germane in the development of land use plans for public lands. Land use plans must be consistent with state and local plans to the maximum extent consistent with Federal law. Refer to FLPMA for the full text of Federal responsibilities detailed under Section 202(c)(9).

Where there are competing resource uses and values in the same area, Section 103(c) of FLPMA (43 U.S.C. 1702(c)) requires that the BLM manage the public lands and their various resource values so that they are utilized in the combination that will best meet multiple use and sustained yield mandates.

Land use plan decisions are made according to the procedures in the BLM's planning regulations in 43 CFR 1600 and the implementing regulations for NEPA in 40 CFR 1500-1508. Before land use plan decisions are finalized and selected, they must be presented to the public as proposed decisions and can be protested to the BLM Director under 43 CFR 1610.5-2 (see Appendix E).

B. Types of Land Use Plan Decisions

Land use plan decisions for public lands fall into two categories: desired outcomes (goals and objectives) and allowable (including restricted or prohibited) uses and actions anticipated to achieve desired outcomes.

1. Desired outcomes

Land use plans must identify desired outcomes expressed in terms of specific goals and objectives. Goals and objectives direct the BLM's actions in most effectively meeting legal mandates; numerous regulatory responsibilities; national policy, including the DOI Strategic Plan goals; State Director guidance (see 43 CFR 1610.0-4(b)); and other resource or social needs. Desired outcomes should be identified for and pertain to resources (such as natural, biological, and cultural), resource uses, (such as energy and livestock grazing), and other factors (such as social and economic conditions). Definitions and examples of goals and objectives are listed below:

Goals are broad statements of desired outcomes (e.g., maintain ecosystem health and productivity, promote community stability, ensure sustainable development) that usually are not quantifiable. Since the release of the original Handbook, the BLM has worked with RACs to develop Land Health Standards applicable to all ecosystems and management actions. These Land Health Standards must be expressed as goals in the land use plan. Goals can also be drawn from the Departmental and/or the DOI Strategic Plan or other sources. A sample goal for a Land Health Standard is: "Maintain healthy, productive plant and animal communities of native and other desirable species at viable population levels commensurate with the species and habitat's potential." A sample goal from the Strategic Plan is: "Sustain desired biological communities on Department of the Interior-managed and -influenced lands and waters in a manner consistent with obligations regarding the allocation and use of water." These goals, or modifications thereof, could be used in a land use plan.

Objectives identify specific desired outcomes for resources. Objectives are usually quantifiable and measurable and may have established timeframes for achievement (as appropriate). A sample objective is: "Manage vegetative communities on the upland portion of the Clear Creek Watershed to achieve, by 2020, an average 30 to 40 percent canopy cover of sagebrush to sustain sagebrush-obligate species." When quantified, the indicators associated with Land Health Standards are one possible source of objectives.

2. Allowable uses and management actions anticipated to achieve desired outcomes (goals and objectives)

After establishing desired outcomes, the BLM identifies allowable uses (land use allocations) and management actions for different alternatives that are anticipated to achieve the goals and objectives.

a. Allowable uses. Land use plans must identify uses, or allocations, that are allowable, restricted, or prohibited on the public lands and mineral estate. These allocations identify surface lands and/or subsurface mineral interests where uses are allowed, including any restrictions that may be needed to meet goals and objectives. Land use plans also identify lands where specific uses are excluded to protect resource values. Certain lands may be open or closed to specific uses based on legislative, regulatory, or policy requirements or criteria to protect sensitive resource values. If land use plan decisions close areas of 100,000 acres or greater in size to a principal or major use for 2 years or more, Congress must be notified of the closure upon its implementation as prescribed in 43 CFR 1610.6.

The land use plan must set the stage for identifying site-specific resource use levels. Site-specific use levels are normally identified during subsequent implementation planning or the permit authorization process. At the land use plan level, it is important to identify reasonable development scenarios for allowable uses such as mineral leasing, locatable mineral development, recreation, timber harvest, utility corridors, and livestock grazing to enable the orderly implementation of future actions. These scenarios provide a context for the land use plan's decisions and an analytical base for the NEPA analysis. The BLM may also establish criteria in the land use plan to guide the identification of site-specific use levels for activities during plan implementation.

b. Management actions. Land use plans must identify the actions anticipated to achieve desired outcomes, including actions to maintain, restore, or improve land health. These actions include proactive measures (e.g., measures that will be taken to enhance watershed function and condition), as well as measures or criteria that will be applied to guide day-to-day activities occurring on public land. Land use plans also establish administrative designations such as ACECs, recommend proposed withdrawals, land tenure zones, and recommend or make findings of suitability for congressional designations (such as components of the National Wild and Scenic River System).

While protection and restoration opportunities and priorities are often related to managing specific land uses (such as commodity extraction, recreation, or rights-of-way corridors), they can be independent of these types of uses as well. In certain instances, it is insufficient to simply remove or limit a certain use, because unsatisfactory resource conditions may have developed over long periods of time that will not correct themselves without management intervention. For example, where exotic invasive species are extensive, active restoration may be necessary to allow native plants to reestablish and prosper. In these cases, identifying restoration opportunities and setting restoration priorities are critical parts of the land use planning process.

Appendix C provides additional program-specific guidance for developing land use plan decisions.

C. Geographic Areas

A variety of different geographic areas are associated with planning:

Planning Area. The geographic area within which the BLM will make decisions during a planning effort. A planning area boundary includes all lands regardless of jurisdiction; however the BLM will only make decisions on lands that fall under the BLM's jurisdiction (including subsurface minerals). Unless the State Director determines otherwise, the planning area for a RMP is the geographic area associated with a particular field office (43 CFR 1610.1(b)). State Directors may also establish regional planning areas that encompass several field offices and/or states, as necessary.

Decision Area. The lands within a planning area for which the BLM has authority to make land use and management decisions. In general, the BLM has jurisdiction over all BLM-administered lands (surface and subsurface) and over the subsurface minerals only in areas of split estate (areas where the BLM administers Federal subsurface minerals, but the surface is owned by a non-Federal entity, such as State Trust Land or private land).

Analysis Area. Any lands, regardless of jurisdiction, for which the BLM synthesizes, analyzes, and interprets data and information that relates to planning for BLM-administered lands. Analyses that extend beyond the planning area boundary allow management decisions to be made within the context of overall resource conditions and trends within the surrounding area, considering local, state, other Federal, and Tribal plans. Examples of such information include the relative significance of BLM lands for a certain resource (such as a threatened or endangered species), or the anticipated impacts to resources (such as air quality, socio-economics) based on activities on BLM-administered lands. The analysis areas can be any size, can vary according to resource, and can be located anywhere within, around, partially outside, or completely outside the planning or decision areas.

D. Scales of Planning

Planning and decision making may vary geographically (regional versus site-specific) or temporally (short-term versus long-term), providing a comprehensive basis for implementing resource management actions.

Planning at multiple scales may be necessary to resolve issues for a geographic area that is different from the planning area for the RMP. For example, if broad-scale (regional) analysis identifies issues such as invasive weeds that cross BLM field office boundaries or other jurisdictional boundaries, desired outcomes and management actions in a planning area may be described and addressed in the context of the broader landscape.

Information presented at multiple scales also helps the BLM to understand priority resource issues, tailor decisions to specific needs and circumstances, and analyze cumulative impacts.

When establishing goals and objectives and making management decisions, it is also important to consider temporal scales. Some natural processes affected by decisions may occur over very long timeframes. For example, complete restoration of a degraded habitat may take much longer than the typical time span of a land use plan.

E. Multijurisdictional Planning

Within a planning area, the BLM surface lands and subsurface mineral estate interests are often intermingled with non-Federal mineral estate, or with lands that are managed by or under the jurisdiction of Tribal, state, or local governments or other Federal agencies. As an outgrowth of these landownership patterns and responsibilities, other governmental entities and BLM have increasingly sought to coordinate their decisions and plans.

Multijurisdictional planning assists land use planning efforts where there is a mix of landownership and government authorities and there are opportunities to develop complementary decisions across jurisdictional boundaries. Planning can be accomplished for subbasins, entire watersheds, or other landscape units. A multijurisdictional plan may include both land use and implementation decisions that are germane to each jurisdiction involved in the planning effort. However, the BLM still retains authority for decisions affecting the public lands it administers. The BLM office leading or participating in a multijurisdictional plan must assure conformance with the BLM's planning regulations, as well as all other applicable laws and regulations for the BLM-administered lands. This can be accomplished by completing the notification, public review, and procedural requirements of 43 CFR 1600 and 40 CFR 1500-1508 as part of the multijurisdictional planning effort. Where BLM becomes a cooperating agency for implementation actions in conformance with the existing land use plan, the lead agency's planning process may be followed provided that NEPA requirements are met.

In cases where the BLM-administered lands make up a small part of the planning area for a multijurisdictional planning effort, it may be desirable for other jurisdictional interests to lead the planning effort. The BLM may act as a cooperating agency's facilitator, convener, leader, or participant, as appropriate, to encourage positive relationships and to develop a mutual understanding of resource conditions and multiple-use management options. In some cases, law may define the lead role. In most cases, planning procedures of Tribal, state, or local governments and other Federal agencies will differ from those of the BLM. Therefore, successful multijurisdictional planning efforts are normally guided by MOUs, which clearly delineate lines of authority and roles and responsibilities for all participants, including the BLM.

F. Establishing Management Direction for Lands That May Come Under the BLM Jurisdiction in the Future

If it is foreseeable that the BLM will acquire management responsibility for certain parcels of land through purchase, exchange, withdrawal revocation, administrative transfers, or some other means, then the BLM can establish management direction for these lands, contingent on their acquisition, in conjunction with planning efforts on adjacent or similar BLM-administered lands.

If acquired lands are surrounded by or adjacent to BLM lands, the BLM can extend applicable land use plan decisions, through plan maintenance (see 43 CFR 1610.5-4), to these lands after they are acquired without completing a plan amendment, as long as there are no unresolved management issues associated with the newly acquired lands. In some cases, regulatory requirements may dictate a plan amendment be completed, such as when establishing or modifying boundaries of ACECs.

III. Land Use Planning Process and Products

Planning requirements vary depending on the type of planning efforts and the level of environmental analysis needed. There are three types of planning efforts:

1. *New plans.* A set of decisions for an area previously managed by an entity other than the BLM, or for an area previously managed by the BLM under a MFP (the land use plan predecessor to the present-day RMP).
2. *Plan revisions.* A complete or near-complete rewrite of an existing RMP.
3. *Plan amendments.* A modification of one or more parts (e.g., decisions about livestock grazing) of an existing RMP.

The level of environmental analysis differs by the type of planning effort, as shown in Table III-1.

Table III-1.—Planning efforts and required NEPA analysis

| Type of planning effort | Type of associated NEPA document required |
|-------------------------|--|
| New plans | ▪ EIS |
| Plan revisions | ▪ EIS |
| Plan amendments | ▪ EIS or EA/FONSI: Depends on the scope of the planning effort and on the anticipated impacts. |

A. Planning for Environmental Impact Statement-level Efforts

Figure 1 shows required planning steps for EIS-level planning efforts, followed by a description of each step.

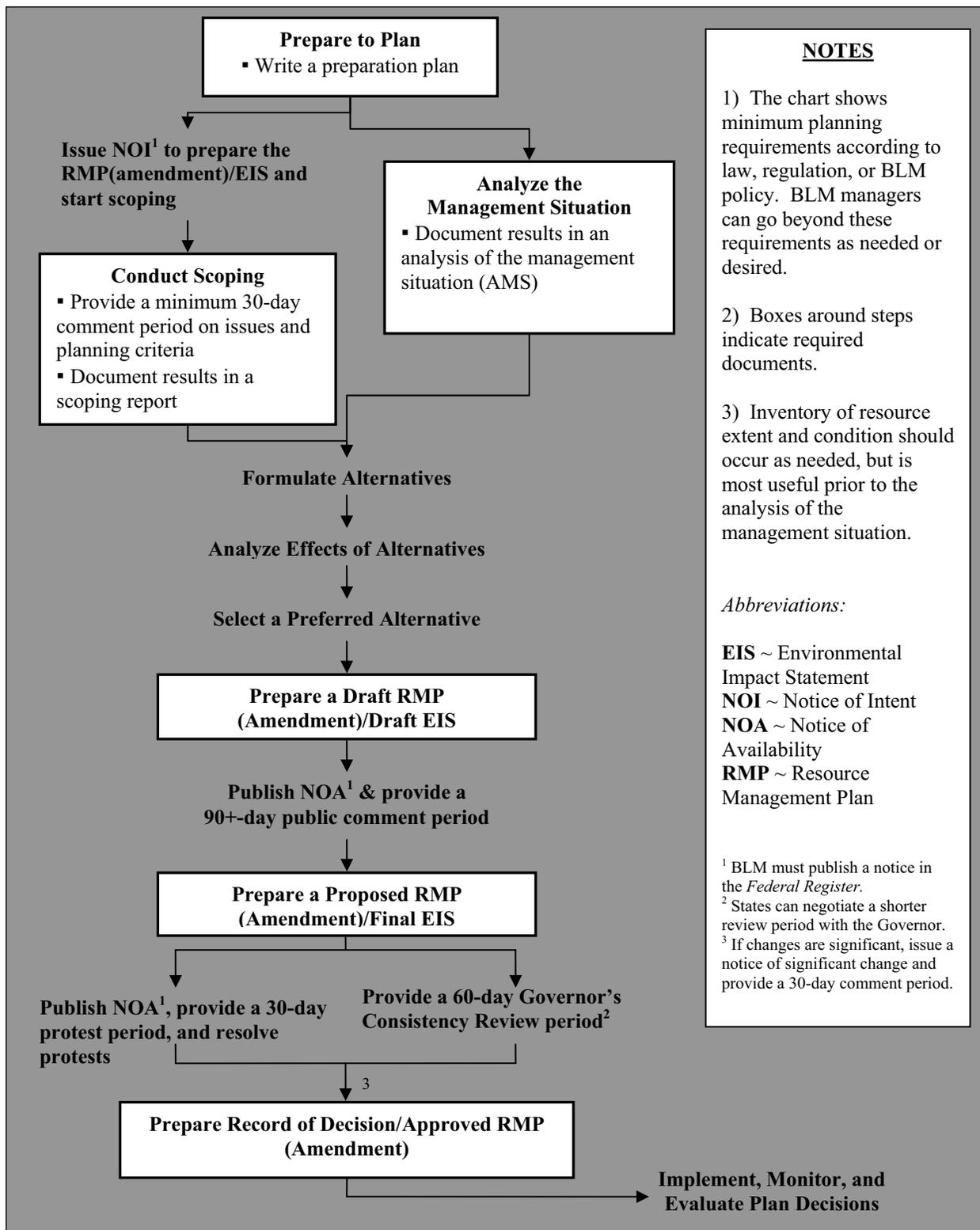


Figure 1.—EIS-level planning efforts: Required steps for new plans, revisions, and amendments

1. Prepare to plan

The preparation plan is more than merely a vehicle to secure planning funds. A properly prepared preparation plan provides the foundation for the entire planning process by identifying the preliminary issues to be addressed, the skills needed to address them, a preliminary budget that can be used for the cost estimate, preliminary planning criteria, and data and metadata available and needed. If the plan is to be contracted, the preparation plan also forms the basis for the statement of work. Offices should use a full interdisciplinary team to develop a realistic preparation plan. If the plan is to be contracted, include the procurement staff on the interdisciplinary team.

It is important that the preparation plans use the principles of project management and address the findings in the existing plan evaluation. A comprehensive preparation plan provides management direction, oversight, structure, cost estimate, and focus for the planning process.

Preparation plans should be as brief and concise as possible.

PRODUCT: PREPARATION PLAN—Appendix F-1 (Recommended Format for Preparation Plans) contains a more detailed outline and discussion of specific components for a preparation plan.

2. Issue a notice of intent to prepare the RMP (amendment)/EIS and start scoping

At the earliest opportunity, the BLM should notify the public, Indian Tribes, other Federal agencies, and state and local governments about its intent to engage in land use planning for a given area. BLM managers should take whatever measures they feel necessary to ensure all interested parties are notified of upcoming planning actions. At a minimum, however, the BLM must distribute two types of notices.

a. *Publish a notice of intent (NOI) in the Federal Register.* The BLM must publish a NOI in the *Federal Register* prior to scoping to announce its decision to prepare an EIS (and associated planning document) (40 CFR 1501.7). The NOI should identify preliminary issues and planning criteria (see the following Conduct Scoping section).

b. *Distribute scoping notices.* Simultaneously with the *Federal Register* NOI, the BLM should submit a scoping notice to Federal agencies, state agencies, the heads of county boards, other local government units, and Tribal chairmen or Alaska Native leaders and any other entities/individuals who have requested such notice or the Field Manager has reason to believe would be concerned with the planning effort (43 CFR 1610.3-1(d)). BLM should request the current status of government entities' officially approved or adopted resource-related plans, and the policies and programs contained therein.

Publication of the NOI in the *Federal Register* formally initiates the plan development, revision, or amendment process and begins the scoping process. Information discussions with cooperators (or potential cooperators), RACs, Tribes and other groups may occur before formal scoping begins.

3. Conduct scoping

Scoping is a requirement of both the NEPA regulations (40 CFR 1501.7) and the BLM planning regulations (43 CFR 1610.2 and 43 CFR 1610.4-1). The land use planning process is issue-driven. Scoping is a collaborative public involvement process to identify planning issues to be addressed in the planning process. Planning issues are disputes or controversies about existing and potential land and resource allocations, levels of resource use, production, and related management practices. Issues include resource use, development, and protection opportunities for consideration in the preparation of the RMP. These issues may stem from new information or changed circumstances, and the need to reassess the appropriate mix of allowable uses. Planning issues are addressed in and provide major focus for the development of alternatives (see Section III(A)(5), Formulate alternatives).

Scoping also involves the introduction of preliminary planning criteria to the public for comment. Planning criteria guide development of the plan by helping define the decision space (or the “sideboards” that define the scope of the planning effort); they are generally based upon applicable laws, Director and State Director guidance, and the results of public and governmental participation (43 CFR 1610.4-2). Examples of planning criteria include but are not limited to the following:

- a. The plan will be completed in compliance with FLPMA, NEPA, and all other relevant Federal law, Executive orders, and management policies of the BLM;
- b. where existing planning decisions are still valid, those decisions may remain unchanged and be incorporated into the new RMP (or amendment);
- c. the plans will recognize valid existing rights; and
- d. Native American Tribal consultations will be conducted in accordance with policy and Tribal concerns will be given due consideration. The planning process will include the consideration of any impacts on Indian trust assets.

PRODUCT: SCOPING REPORT—The BLM must document the results of scoping (43 CFR 1610.2(d)). Field offices must either write a scoping report to capture public input in one document (recommended), or include the results of scoping in the Analysis of the Management Situation (AMS) (see following Section III(A)(4)). The documentation must summarize the individual comments received during the formal scoping period of the planning process. It must also describe the issues and management concerns from public scoping meetings, internal scoping meetings, and those included in the preparation plan. See Appendix F-2 (Recommended Format for Scoping Reports).

4. Analyze the management situation

The BLM must analyze available inventory data and other information to characterize the resource area profile, portray the existing management situation, and identify management opportunities to respond to identified issues. This analysis provides, consistent with multiple use

principles, the basis for formulating reasonable alternatives, including the types of resources for development or protection (43 CFR 1610.4-4).

The analysis should (as briefly and concisely as possible) describe the current conditions and trends of the resources and the uses/activities in the planning area to provide information for the affected environment, provide the basis for the no action/present management alternative, and to create a framework from which to resolve the planning issues through the development of alternatives. The analysis should describe the status, or present characteristics and condition of the public land; the status of physical and biological processes that affect ecosystem function; the condition of individual components such as soil, water, vegetation, and wildlife habitat; and the relative value and scarcity of the resources. The analysis should also address social and economic conditions that influence how people, communities, and economies interact with the ecosystem. Appendix D provides additional detail on addressing social science and economic considerations in the land use planning process in the context of the larger landscape.

PRODUCT: ANALYSIS OF THE MANAGEMENT SITUATION—Field offices should produce a report called the *analysis of the management situation* (AMS). Field offices are encouraged to make a summary of the AMS findings (or the entire report) available to the public. Parts of the AMS should easily translate into the introduction chapter, the no action and action alternatives, and the affected environment chapter of the EIS.

Formulation of the AMS can begin as soon as the planning project is approved. Documentation supporting the AMS should be maintained in the field office for public review. The AMS document can be made available to the public during or after scoping. The scoping report can also be included in a published summary of the AMS if desired. See Appendix F-3 (Annotated Outline of the Analysis of the Management Situation) for additional guidance.

5. Formulate alternatives

Considering a reasonable range of alternatives helps the BLM and its partners understand the various ways of addressing the planning issues and different scenarios for management of the resources and uses in the planning area. Development of alternatives should draw on the management opportunities identified in the AMS. Each alternative includes desired outcomes (goals and objectives), and the allowable uses and actions anticipated to achieve those outcomes. It is important to keep in mind the following about alternative formulation:

- a. The BLM must consider all reasonable alternatives, including the no action alternative (the continuation of present levels or systems of resource use). Some alternatives, including the no action alternative, may be developed for detailed study, while others are considered but not analyzed in detail. Both types of alternatives are described in the RMP/EIS. Rationale should be briefly described to document why certain alternatives were not studied in detail (43 CFR 1610.4-5). An example may be that one alternative is a reasonable variation of an existing alternative analyzed in detail.
- b. Reasonable alternatives analyzed in detail meet the purpose and need of the project and can be feasibly carried out based on estimated cost, logistics, technology, and social,

H-1601-1 — LAND USE PLANNING HANDBOOK – (Public)

and environmental factors. An alternative may be considered reasonable even if it is outside the legal jurisdiction of the BLM because it may serve as the basis for modifying congressional approval in light of the analysis (40 CFR 1502.14(c); Forty Questions No. 2(b)).

c. Each fully-developed alternative represents a different land use plan that addresses and/or resolves the identified planning issues in different ways.

d. Each alternative will include a different suite of potential planning decisions to address the issues. Some potential planning decisions may be common to multiple, or all alternatives.

e. Goals typically pertain to all alternatives (will not vary by alternative). Objectives, allowable uses, and management actions may (1) be consistent across alternatives, and/or (2) vary by alternative. A plan could include some objectives that vary by alternative, and other objectives that are consistent across alternatives.

f. Goals typically apply to the entire planning area. Objectives, allowable uses, and management actions may (1) apply to the planning area as a whole, and/or (2) be specific to certain geographic areas, such as those listed below:

1. Landscape-level systems (such as ecosystems and watersheds);
2. specific resources (such as threatened and endangered species and cultural sites);
3. areas (such as allotments and special management units); and
4. areas needing restoration or maintenance in order to meet land health standards.

g. All components of an individual alternative must be complementary. Desired outcomes, allowable uses, and management actions can (and probably will) conflict from one alternative to the next. However, they must not conflict within any one alternative. For example, an alternative should not allow all lands open to oil and gas leasing while having all lands designated as Visual Resource Management Class I or II.

h. When identifying allowable uses in alternatives, consider resource development potential, levels of use, and restrictions to best achieve the identified goals and objectives (see Analysis of the Management Situation above). These uses and restrictions are based on resource protection needs and social and economic factors, and represent the most appropriate mix of uses and protections for the resources in the planning area. Different protection and restoration measures and the availability of areas for certain uses, levels of uses, and restrictions are presented in alternatives.

- i. In developing alternatives, the BLM must consider the relative scarcity of the values involved and the availability of alternative means and sites for realizing those values (43 U.S.C. 1712(c)(6)).
- j. Alternatives should be developed in an open, collaborative manner, to the extent possible.

6. Analyze the effects of alternatives

The BLM must estimate and describe the physical, biological, economic, and social effects of implementing each alternative considered in detail, including the no action alternative (43 CFR 1610.4-6). This analysis should provide adequate information to evaluate the direct, indirect, and cumulative impacts of each alternative in order to determine the best mix of potential planning decisions to achieve the identified goals and objectives (the analysis should also specifically address the attainment, or non-attainment, of Land Health Standards expressed as goals). The assumptions and timeframes used for analysis purposes (such as reasonably foreseeable development scenarios) should be documented. The effects are described in the draft RMP (amendment)/draft EIS (see Section 8).

7. Select a preferred alternative

By evaluating the alternatives in the EIS, the BLM must determine which combination of potential planning decisions contained in the alternatives best meets multiple use and sustained yield mandates of Section 103(c) of FLPMA (43 U.S.C. 1702(c)). If any one alternative contains the desired combination of potential planning decisions, then that alternative should be identified as the preferred alternative. If the combination of potential planning decisions is drawn from different alternatives, then those potential planning decisions should be compiled into a new alternative (identified as the preferred alternative) and the impacts analyzed accordingly.

The preferred alternative should:

- a. Meet statutory requirements;
- b. represent the best combination of decisions to achieve the goals and policies of the BLM as reflected through the DOI's Strategic Plan and State Director guidance; and
- c. best respond to the purpose and need and best resolve the issues pertinent to the planning effort.

These and other agreed-to selection criteria should be used in selecting the preferred alternative. Development of criteria and evaluation of alternatives should include the involvement of RACs, cooperators, and interested members of the public to the extent practical. The final decision to select a preferred alternative, however, remains the exclusive responsibility of the BLM.

H-1601-1 — LAND USE PLANNING HANDBOOK – (Public)

The Field Manager recommends the preferred alternative to the State Director. The State Director approves the selection of the preferred alternative along with the other alternatives under consideration.

8. Prepare a draft RMP (amendment) and draft EIS

PRODUCT: DRAFT RMP (AMENDMENT)/DRAFT EIS—This document describes the purpose and need for the plan, the affected environment, the alternatives for managing public lands within the planning area (including the preferred alternative), the environmental impacts of those alternatives, and the consultation and coordination in which the BLM engaged in developing the plan. See Appendix F-4 (Annotated Outline for a Draft and Final RMP [Amendment]/EIS).

9. Publish a notice of availability and provide a public comment period

The BLM must provide at least 90 days for the public to comment on the draft RMP (amendment) and draft EIS. This public comment period officially starts with the Environmental Protection Agency's (EPA's) publication of a NOA for the document in the *Federal Register* (43 CFR 1610.2(e)). The BLM also publishes a NOA in the *Federal Register* to provide information not contained in the EPA's NOA about the project, comment period, contact information, and other supplemental information. The BLM may also announce the start of the comment period (and the dates, times, and locations of public meetings) through other mechanisms, such as press releases, planning bulletins or newsletters, direct mailings and e-mailings, and Internet postings.

Public comments may be submitted in a variety of forms, including written, electronic, and oral. The BLM must assess and consider all comments received (similar or "like" comments may be grouped for analysis). The BLM responds to public comments by one of the following ways (40 CFR 1503.4):

- a. Modifying alternatives, including the proposed plan;
- b. developing and evaluating alternatives not previously given serious consideration;
- c. supplementing, improving, or modifying analysis;
- d. making factual corrections; and
- e. explaining why comments do not warrant further response, citing the sources, authorities, or reasons that support the agency's position, and, if appropriate, indicate those circumstances that would trigger reappraisal or further response.

Although the BLM is not required to write to individual commenters to explain how their comments were addressed, it is required to respond to substantive comments and include the response in the proposed RMP (amendment) and final EIS. Nonsubstantive comments are those that include opinions, assertions, and unsubstantiated claims. Substantive comments are those

that reveal new information, missing information, or flawed analysis that would substantially change conclusions.

10. Prepare a proposed RMP (amendment) and final EIS

PRODUCT: PROPOSED RMP (AMENDMENT)/FINAL EIS—The proposed RMP (amendment) and final EIS builds on the draft RMP (amendment) and draft EIS to include appropriate responses to public comments received on the draft RMP (amendment) and draft EIS as well as a description (either verbatim or summary) of the comments received. It also corrects errors in the draft RMP/EIS identified through the public comment process and internal BLM review. The proposed RMP and final EIS may also contain modification to the alternatives and the accompanying impact analysis contained in the draft RMP/EIS. However, substantial changes to the proposed action, or significant new information/circumstances collected during the comment period would require supplements to either the draft or final EIS (40 CFR 1502.9(c)). The proposed RMP (amendment)/final EIS should clearly show the changes from the draft RMP (amendment)/draft EIS. The proposed RMP/final EIS should also display land use plan and implementation decisions (and clearly distinguish between the two types of decisions). One way of doing this is in the Dear Reader Letter. See Appendix F-4 (Annotated Outline for a Draft and Final RMP [Amendment]/EIS).

11. Publish a notice of availability, provide a protest period, and resolve protests

Issuance of the proposed RMP (amendment)/EIS officially occurs with the EPA's publication of a NOA for the document in the *Federal Register*. The BLM publishes a NOA as well, which contains information about the project, protest period and filing instructions, contact information, and other supplemental information not contained in the EPA's NOA.

Individuals and entities have 30 days from the publication of EPA's NOA of the document to file a protest with the BLM Director. The protest period cannot be extended. The BLM must resolve any protests on a proposed RMP (amendment)/final EIS before issuing a record of decision (ROD). A ROD may be issued on any portion of the proposed RMP not protested, in coordination with the Washington Office. See Appendix E (Summary of Protest and Appeal Provisions).

12. Provide a Governor's consistency review period

In addition to a 30-day protest period, the BLM must also provide a 60-day review period to the Governor of the state in which the RMP (amendment) is being proposed to ensure consistency with state and local plans, policies, and programs. The protest period and the Governor's review period should occur simultaneously in order to save time. Sending a print-ready copy to the Governor at the same time the document goes to the printer will allow both periods to end at about the same time. BLM state offices can potentially negotiate a shorter review period with the Governor.

Any responses from a Governor on consistency must be resolved before the BLM issues a ROD. If the Governor does not respond within the review period, the BLM can assume that the

proposed land use plan (amendment) decisions are consistent (43 CFR 1610.3-2(e)). If the Governor recommends changes in the proposed plan (amendment) that were not raised during the public participation process, the State Director shall provide the public with an opportunity to comment on the recommendations (43 CFR 1610.3-2(e)). This public comment opportunity will be offered for 30 days and may coincide with the 30-day comment period for the notice of significant change (see Section III(A)(13) below). If the State Director does not accept the Governor's recommendations, the Governor has 30 days to appeal in writing to the BLM Director (43 CFR 1610.3-2(e)).

13. Determine need for a notice of significant change and provide a comment period if necessary

The protest letters and comments from the Governor could result in the need to significantly modify the proposed RMP (amendment)/final EIS. For planning purposes, "significant" is the equivalent of "substantial" as used in 40 CFR 1502.9(c). If the change is significant, the BLM must announce the intended changes to the public and provide a 30-day comment period. Without this step, the public would not have an opportunity to understand and respond to the potential change (43 CFR 1610.5-1(b) and 40 CFR 1505.2). The BLM must then respond to the comments as described in previous Section III(A)(9).

Should the BLM issue a notice of significant change, it may also be necessary to issue a supplemental proposed RMP (amendment)/ final EIS (see 40 CFR 1502.9(c)(1-4)).

14. Prepare a record of decision and approved RMP (amendment)

PRODUCT: RECORD OF DECISION /APPROVED RMP (AMENDMENT)—The ROD /approved RMP (amendment) serves as a more concise and useful tool to land managers and stakeholders than a cumbersome EIS. It is typically the proposed RMP (amendment) as modified in response to protests, the Governor's consistency review, or other considerations. It describes the goals, objectives, and management actions for fulfilling the management direction developed within the land use planning process.

An RMP (amendment) is officially approved when the State Director signs a ROD adopting the RMP (amendment). The ROD should precede or coincide with the adoption of the RMP (40 CFR 1506.1(a)). The ROD, which provides the rationale for the decision (this should parallel the rationale for the preferred alternative, using the same criteria), should be published and released in the same document with and reference the approved RMP (amendment). See Appendix F-5 (Annotated Outline for a Record of Decision/Approved RMP (Amendment)).

15. Implement, monitor, and evaluate plan decisions

See Sections IV and V of this Handbook.

B. Planning for Environmental Assessment-level Efforts

The BLM completes environmental assessment (EA)-level planning efforts mainly for certain types of plan amendments. In general, there are fewer planning steps involved in EA-level planning. The number of steps and extent of work involved with each step varies with the complexity of identified planning issues. Figure 2 shows the required and optional steps associated with EA-level planning. Steps are required unless noted as optional (designated by *italics*).

1. Prepare to plan (optional)

It is highly recommended that field offices engage in preplanning activities, though they are not required. Field offices should complete preplanning steps necessary to help ensure efficient and effective planning efforts. For example, field offices could write preparation plans similar to those required for EIS-level planning efforts (see Section III(A)(1), Prepare to Plan and Appendix F-1).

2. Issue a notice of intent (NOI) to prepare the RMP amendment and review planning criteria

The BLM must publish an NOI in the *Federal Register* to initiate the start of the planning effort (43 CFR 1610.2 (c)). The BLM can include the draft planning criteria in the NOI to solicit public review of the criteria. Alternatively, the BLM can make the planning criteria available to the public at a later date if desired (see following Section III(A)(3), Conduct Scoping). Note, however, that public review of planning criteria is required at some point, whether at the time of the NOI or at a later date.

3. Conduct scoping

Field offices must engage in an appropriate level of scoping activities. At a minimum, the BLM must offer a 30-day public comment period on issues and planning criteria. Depending on the local situation and planning issues, the BLM can also conduct a more involved scoping effort and include a series of public meetings, for example.

The BLM must document the results of scoping either in a scoping report, the draft plan amendment and EA or the proposed amendment/EA (if a draft plan amendment and EA is not prepared).

4. Analyze the management situation (optional)

The BLM is not required to analyze the management situation or produce a report that describes it. However, prior to formulating alternatives, the BLM should understand current conditions and trends of the resources and the uses/activities that will relate to potential decisions in the plan amendment. It is highly recommended that the BLM begin the process of gathering existing data, and supplementing data as needed, early in the plan amendment process. This information will create a solid base for analysis to support amending planning decisions. This could be accomplished by reference to and/or augmenting the existing AMS.

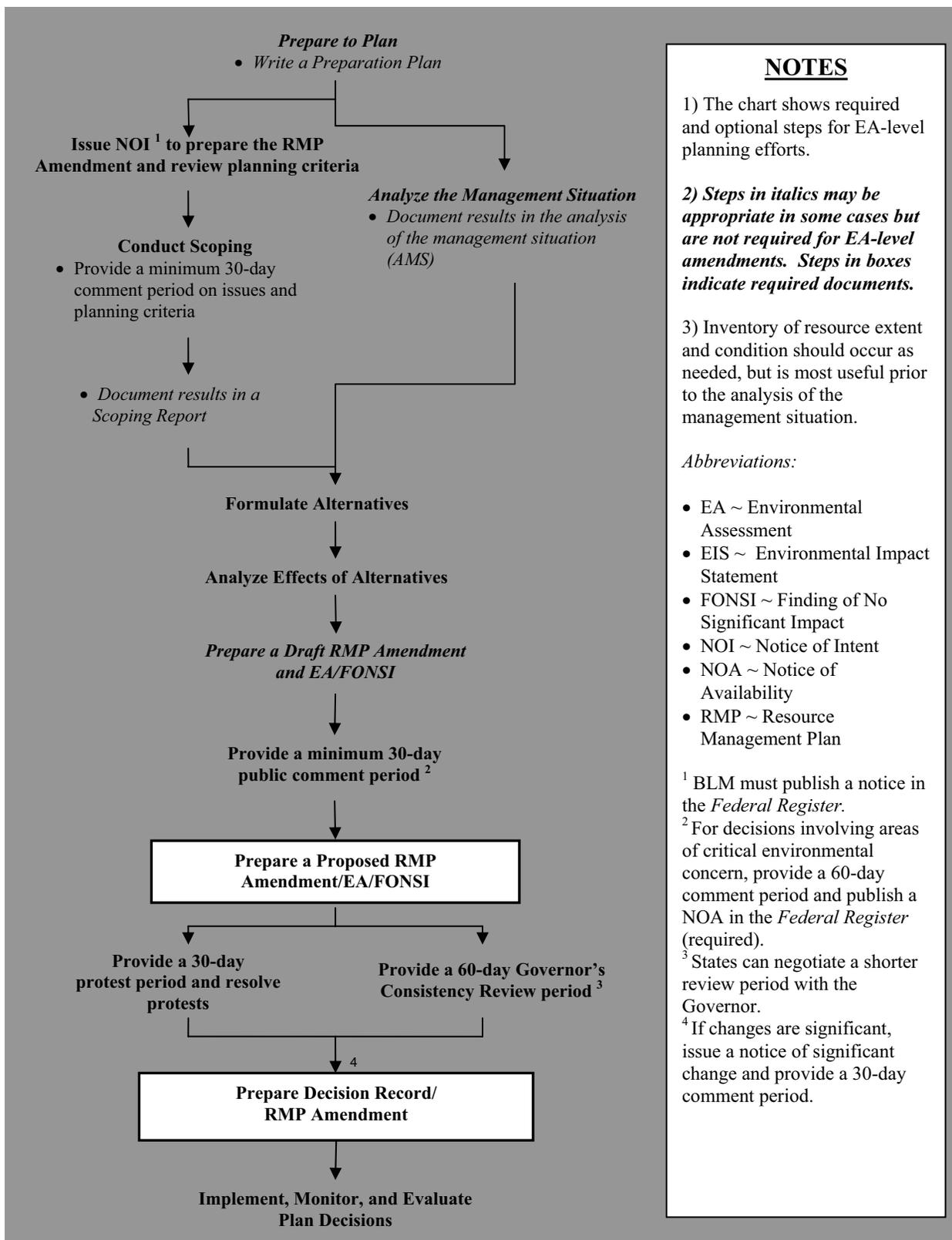


Figure 2.—EA-level planning efforts: Required and optional planning steps

5. Formulate alternatives

The BLM must formulate appropriate alternatives for EA-level planning efforts. The process is similar to that for EIS-level amendments.

6. Analyze the effects of alternatives

The BLM must also analyze the effects of alternatives.

7. Prepare a draft RMP amendment and EA/FONSI (optional)

The BLM must prepare a draft RMP amendment and EA/finding of no significant impact (FONSI) when it is determined that a public review and comment period are appropriate (for example, when proposed ACEC designations are being considered per 43 CFR 1610.7-2(b) or to meet NEPA requirements under certain limited circumstances per 40 CFR 1501.4(e)(2). Otherwise, a draft plan amendment is not required, and the BLM can simply go from analyzing the effects of alternatives (step 6) to preparing a proposed RMP amendment/EA/FONSI (step 9). The FONSI should be unsigned.

8. Provide a public comment period (optional)

If the BLM prepares a draft RMP amendment and EA/FONSI, it must offer a minimum 30-day public comment period. The BLM must offer a 60-day comment period for potential decisions regarding ACEC designation.

9. Prepare a proposed RMP amendment/EA/FONSI

The BLM must prepare a proposed RMP amendment/EA/FONSI for all EA-level planning efforts. The proposed RMP amendment/EA/FONSI is typically arranged in an EIS format (with chapters). The FONSI should be signed (if a FONSI cannot be signed, an EIS should be initiated).

10. Provide a protest period and resolve protests

Like EIS-level planning efforts, EA-level efforts require a 30-day protest period. The protest period cannot be extended. Since a NOA is not published in the *Federal Register* for EA-level amendment, field offices are encouraged to widely notify the public (including publication of legal notices in local newspapers) to announce the protest period. The BLM must resolve these protests before issuing a decision record/RMP amendment. A decision record may be issued on any portion of the proposed RMP amendment not protested, in coordination with the Washington Office.

11. Provide a Governor's consistency review period

Like EIS-level planning efforts, EA-level efforts require a 60-day Governor's consistency review period.

12. Issue a notice of significant change and provide a 30-day public comment period (if necessary)

This step is identical to that for EIS-level efforts.

13. Prepare a decision record/RMP amendment

The BLM issues the decision record/RMP amendment after it resolves all protests and any potential consistency issues received from the Governor's office. The decision record should precede (or coincide with) the RMP amendment (40 CFR 1506.1).

14. Implement, monitor and evaluate plan decisions

See Sections IV and V of this Handbook.

IV. Implementation

A. Implementing Land Use Plans

When an approved land use plan or land use plan amendment decision document (i.e., ROD or decision record) is signed, most of the land use plan decisions in the plan are effective immediately and require no additional planning or NEPA analysis. See Appendix C for a listing of program-specific land use plan decisions.

Some programs have specific requirements that must be taken in order to make certain decisions effective. An example of a land use plan decision that requires an additional action for implementation would be a recommendation to withdraw lands from entry under the mining laws. Formal action requiring Secretarial-level review and decision making would follow if the BLM planning process results in a withdrawal recommendation and the applicable regulations in 43 CFR 2300 are followed.

Upon approval of the land use plan, subsequent implementation decisions are put into effect by developing implementation (activity-level or project-specific) plans. An activity-level plan typically describes multiple projects in detail that will lead to on-the-ground action. These plans traditionally focused on single resource programs (habitat management plans, allotment management plans, recreation management plans, etc.). However, activity-level plans are increasingly interdisciplinary and are focused on multiple resource program areas to reflect the shift to a more watershed-based or landscape-based approach to management. These types of plans are sometimes referred to as "integrated or interdisciplinary plans," "coordinated resource management plans," "landscape management plans," or "ecosystem management plans." A project-specific plan is typically prepared for an individual project or several related projects.

B. Defining Implementation Decisions

Implementation decisions generally constitute BLM's final approval allowing on-the-ground actions to proceed. These types of decisions require appropriate site-specific planning and

NEPA analysis. Unlike land use plan decisions, implementation decisions are not subject to protest under the planning regulations. Instead, implementation decisions are subject to various administrative remedies, particularly appeals to the Office of Hearing and Appeals (Interior Board of Land Appeals). Where implementation decisions are made as part of the land use planning process, they are still subject to the appeals process or other administrative review as prescribed by the specific resource program regulations after the BLM resolves the protests to land use plan decisions and makes a decision to adopt or amend the RMP. The proposed plan /final EIS should display land use plan and implementation decisions (and clearly distinguish between the two types of decisions). One way of doing this is in the Dear Reader Letter. See Appendix C for a listing of program-specific implementation decisions.

C. Making Implementation Decisions

Implementation decisions are made with the appropriate level of NEPA analysis along with any procedural and regulatory requirements for individual programs. See 40 CFR 1500-1508, the BLM NEPA Handbook (H-1790-1), and 516 DM 1-7 for detailed descriptions of NEPA procedures. An EA, EIS, or EIS supplement must be prepared for subsequent implementation planning unless the decisions and actions contained in the implementation plan are:

1. Identified as exceptions to the BLM NEPA requirements (e.g., actions specifically exempted from NEPA by Congress);
2. categorically excluded (refer to Departmental Manual 516 DM 2, Appendix 1; and 516 DM 6, Appendix 5.4, for a current listing (May 19, 1992) of categorical exclusions); and
3. fully covered by a previously prepared EA or EIS that does not need to be updated as documented by a documentation of land use plan conformance and NEPA adequacy (DNA).

D. Making Land Use Plan and Implementation Decisions in the Same Planning Effort

The BLM may use a single land use planning/NEPA process to make both land use plan and implementation decisions, provided both types of decisions are adequately addressed with the appropriate level of NEPA analysis. This may be appropriate in RMPs or plan amendments covering relatively small geographic areas or where there are a number of activity-level projects such as timber sales being addressed simultaneously with land use planning efforts. When describing the protest procedures for proposed RMPs, the BLM must make clear which decisions are land use plan decisions and thus protestable under the planning regulations and which decisions are implementation decisions that are not protestable. At the decision-making stage, the BLM can separate the two categories of decisions into two decision documents, one adopting the RMP (or amendment) and the other approving the implementation decisions; or the BLM may use a single decision document that adopts the RMP (or amendment) and approves the implementation actions. If a single decision document is used, the BLM must clearly distinguish the land use plan decisions from the implementation decisions and describe the administrative remedies for both.

When considering land use plan and implementation decisions in the same land use planning/NEPA process, the implementation decisions are usually approved at the same time or after the decision to approve the RMP (or amendment). An exception may occur when some/all of the implementation decisions are in conformance with decisions in the current RMP. In this case, the BLM may issue a ROD/decision record on the implementation decisions that are consistent with the current plan prior to approving the ROD/decision record on the new RMP (or amendment). This situation may occur when there is a need to approve high priority implementation decisions before the protests to the proposed RMP (or amendment) are resolved.

Making implementation decisions as part of the land use planning process and analyzing them concurrently with land use plan decisions does not change their administrative remedies or the timing of those remedies. See Appendix E (Summary of Protest and Appeal Provisions).

E. Developing Strategies to Facilitate Implementation of Land Use Plans

A documented, well-organized thought process is essential to the successful implementation of land use plans. An implementation strategy lists prioritized decisions that (1) will help achieve the desired outcomes of one or more land use plans and (2) can be implemented given existing or anticipated resources. Developing implementation strategies enables the BLM to prioritize the preparation of implementation decisions.

There are no procedural or approval requirements for an implementation strategy. Implementation strategies may be developed in conjunction with developing land use plan decisions, but strategies are not land use plan decisions and are not subject to protest or appeal. As a rule, they should not be included in the RMP. A well thought-out implementation strategy should prioritize each decision for funding and implementation. The strategy should also be interdisciplinary (not program by program). Developing an implementation strategy creates an important opportunity for continued collaboration with the public, Tribes, state and local governments, and other Federal agencies.

Described below is a suggested collaborative four-step method for developing an implementation strategy with partners involved in developing the land use plan:

1. *Develop framework to portray the work.* Identify specific projects to (a) achieve desired natural resource conditions, (b) achieve desired heritage and cultural resource conditions, (c) address anticipated demands for recreation, (d) address anticipated demands for forage and forest products, (e) address anticipated demand for direct community services, and (f) address demand for energy and minerals.
2. *Identify priorities for the next 3 to 5 years.* Using the framework in step 1, and considering current budget capabilities, identify priorities within each workload (a. through f. in step 1) and priorities across workloads. Factors that influence decision priorities are:

- a. Statutory mandates, including, but not limited to, compliance with the Clean Air and Clean Water Acts, the Endangered Species Act, the National Historic Preservation Act, the Taylor Grazing Act, and FLPMA;
- b. goals listed in the DOI's Strategic Plan and Annual Performance Plan;
- c. present risks to resources, with resources at high risk ranking above resources without known or substantial risks;
- d. likelihood of success, with management actions using proven techniques possibly ranking higher than management actions using experimental techniques;
- e. cost-effectiveness of management actions; there is no requirement to develop a cost/benefit analysis, but management actions that have a high likelihood of improving resource conditions for relatively small expenditures of time and money should receive relatively higher priority;
- f. willingness and availability of cooperators to meet similar resource objectives for adjacent non-Federal lands and resources; this would include opportunities to cooperate on a watershed basis and to leverage limited resources;
- g. willingness and availability of partners interested in helping accomplish priority management actions needed to meet desired outcomes;
- h. budgetary and staff resources required to implement the decisions; and
- i. socioeconomic analysis of the local community.

3. *Develop a 3 to 5 year budget.* Identify specific tasks to accomplish each project and associated funding needs, including labor and operations costs. Identify potential funding sources including base, flexible, and contributions.

4. *Develop an outreach strategy.* Identify a strategy for both internal and external communications needed to support implementation. This could be in the form of annual plan updates and website development, etc.

V. Monitoring, Evaluation, and Adaptive Management

The regulations in 43 CFR 1610.4-9 require that land use plans establish intervals and standards for monitoring and evaluations, based on the sensitivity of the resource decisions involved.

A. Monitoring

Land use plan monitoring is the process of (1) tracking the implementation of land use planning decisions (implementation monitoring) and (2) collecting data/information necessary to evaluate the effectiveness of land use planning decisions (effectiveness monitoring). In Appendix C, each

resource program identifies desired land use plan decisions. BLM field offices must determine what management actions are needed to implement those decisions. Sometimes actions occur just once, e.g., the development of an implementation plan; or actions occur on a fairly regular basis, e.g., steps taken to repair a damaged watershed. Monitoring is the process of following up on these management actions and documenting BLM's progress toward full implementation of the land use plan and the achievement of desired outcomes. Field offices are encouraged to involve Tribes, state and local governments, and the public if they express an interest in participating in this process.

Implementation monitoring is the process of tracking and documenting the implementation (or the progress toward implementation) of land use plan decisions. This should be done at least annually and should be documented in the form of a tracking log or report. The report must be available for public review (one way to accomplish this is an annual planning update which can be sent to those who participated in the planning process or have expressed an interest in receiving the report). The report should describe management actions proposed or undertaken to implement land use plan decisions and can form the basis for annual budget documents. In subsequent years, reports should document which management actions were completed and what further actions are needed to continue implementing land use plan decisions.

Effectiveness monitoring is the process of collecting data and information in order to determine whether or not desired outcomes (expressed as goals and objectives in the land use plan) are being met (or progress is being made toward meeting them) as the allowable uses and management actions are being implemented. A monitoring strategy must be developed as part of the land use plan that identifies indicators of change, acceptable thresholds, methodologies, protocols, and timeframes that will be used to evaluate and determine whether or not desired outcomes are being achieved.

The monitoring process should collect information in the most cost-effective manner and may involve sampling or remote sensing. Monitoring could be so costly as to be prohibitive if it is not carefully and reasonably designed. Therefore, it is not necessary or desirable to monitor every management action or direction. Unnecessary detail and unacceptable costs can be avoided by focusing on key monitoring questions and proper sampling methods. The level and intensity of monitoring will vary, depending on the sensitivity of the resource or area and the scope of the proposed management activity.

B. Evaluation

Evaluation is the process of reviewing the land use plan and the periodic plan monitoring reports to determine whether the land use plan decisions and NEPA analysis are still valid and whether the plan is being implemented. Land use plans are evaluated to determine if: (1) decisions remain relevant to current issues, (2) decisions are effective in achieving (or making progress toward achieving) desired outcomes, (3) any decisions need to be revised, (4) any decisions need to be dropped from further consideration, and (5) any areas require new decisions.

In making these determinations, the evaluation should consider whether mitigation measures are satisfactory, whether there are significant changes in the related plans of other entities, and whether there is new data of significance to the plan.

The plan should be periodically evaluated (at a minimum every 5 years) as documented in an evaluation schedule. Plan evaluations should also be completed prior to any plan revisions and for major plan amendments. Special or unscheduled evaluations may also be required to review unexpected management actions or significant changes in the related plans of Indian Tribes, other Federal agencies, and state and local governments, or to evaluate legislation or litigation that has the potential to trigger an RMP amendment or revision.

Evaluations may identify resource needs and means for correcting deficiencies and addressing issues through plan maintenance, amendments, or new starts. They should also identify where new and emerging resource issues and other values have surfaced. Evaluations may also identify new and innovative practices that improve effectiveness and efficiency so that other offices may benefit.

1. Process for completing land use plan evaluations

The following section outlines the recommended process for completing land use plan evaluations.

- a. State offices, with input from the field, identify reasons for evaluating the RMP.
- b. Where appropriate, state and field offices identify land use plans that can be grouped/batched in a geographic region or planning area to look at issues that cut across boundaries (state and field offices). Each plan should have its own evaluation documentation as well as a combined (grouped/batched) evaluation for all RMPs identified in the geographical region or planning area.
- c. State and field offices identify what the evaluation is to measure. In some cases, the RMP/ROD may have identified both monitoring and evaluation measures, units, and programs, and may even have specified the monitoring/evaluation questions to be answered.

The state office may develop and send questionnaires to field offices (specific to the state and field offices) to focus the evaluation, along with instructions for completing it. Evaluations must be tailored to individual land use plans; however, a comprehensive evaluation must address the following questions:

1. Are management actions outlined in the plan being implemented?
2. Does the plan establish desired outcomes (i.e., goals and objectives)?
3. Are the allocations, constraints, or mitigation measures effective in achieving (or making progress towards achieving) the desired outcomes? This

H-1601-1 — LAND USE PLANNING HANDBOOK – (Public)

determination is often made based on information obtained from resource assessments.

4. Have there been significant changes in the related plans of Indian Tribes, state or local governments, or other Federal agencies?

5. Are there new data or analyses that significantly affect the planning decisions or the validity of the NEPA analysis?

6. Are there unmet needs or new opportunities that can best be met through a plan amendment or revision, or will current management practices be sufficient? For example, are there outstanding requests for ACEC designations to protect resource values? *Note: ACECs must be designated through the land use planning process.*

7. Are new inventories warranted pursuant to the BLM's duty to maintain inventories on a continuous basis (FLPMA, Section 201)?

8. Are there new legal or policy mandates as a result of new statutes, proclamations, Executive orders, or court orders not addressed in the plan?

d. The state and field office establish/identify an interdisciplinary team that will complete the evaluation(s). If available, the team should include specialists from state and field offices as well as adjoining state(s), and representatives from Washington Office, and Tribes, other Federal agencies, state and local governments, and the public. The interdisciplinary team should represent the major resources/programs present in the land use plan evaluation area and should be encouraged to incorporate other (technical procedures) evaluations or analyses that address and provide useful information on the same resources.

e. The evaluation team should review both published and unpublished documents that implement or support the RMP decisions and NEPA analysis (e.g., AMS, area-wide mineral reports, socio-economic studies/analyses, reasonably foreseeable development scenarios, ACEC reports, documents incorporated by reference/adoption, and other studies [wild and scenic river, threatened and endangered species, water, etc.]). The evaluation reports should also cite examples of implementation plans (at the activity level) that incorporate new information, address new issues, and provide either more detailed decisions or additional protective management direction. These may include formal decision-making documents as well as watershed-level analyses and other landscape units or plans.

f. The evaluation team should review NEPA compliance and procedural conformance records within the land use plan evaluation (e.g., documentation of land use plan conformance and NEPA adequacy, which typically relies on the RMP and associated NEPA documents [categorical exclusions]).

g. The State Director should approve or concur with all evaluations.

2. Evaluation report

An evaluation report documenting the findings of the evaluation must be prepared. Following State Director approval or concurrence, the report will be made available to the public. The following report format is recommended. If appropriate, use charts, diagrams, and matrixes to display or summarize information.

a. Introduction

b. Purpose

c. Method and Scope

d. Results and Findings

1. Document conclusions regarding achievement of desired outcomes as well as any individual program or resource management issues associated with plan implementation

2. Identify decisions to be carried forward (i.e., no change needed), decisions needing to be modified, decisions needing to be dropped, and new decisions needed

e. Recommendations, including any resource- or program-specific management actions needed and other follow-up opportunities for the BLM field and state offices or interagency consideration

f. Approval/Concurrence

Also see Section VI for more information on determining when new decisions are required.

C. Adaptive Management

The Office of Environmental Policy and Compliance (OEPC) issued ESM03-6 providing initial guidance to all Department of the Interior agencies on implementing adaptive management practices in NEPA compliance. While this guidance does not provide specifics on the process and procedures for integrating adaptive management into the NEPA and land use planning process, it does formally define adaptive management as:

. . . a system of management practices based on clearly identified outcomes, monitoring to determine if management actions are meeting outcomes, and, if not, facilitating management changes that will best ensure that outcomes are met or to re-evaluate the outcomes.

The BLM has initiated an effort to develop policies and procedures to integrate adaptive management into the NEPA and land use planning processes. When those policies and procedures are developed, they will be incorporated into this section of the Handbook.

VI. Determining if New Decisions are Required

A. Specific Regulatory Requirements for Considering New Information or Circumstances

New information, updated analyses, or new resource use or protection proposals may require amending or revising land use plans and updating implementation decisions. The primary requirements for considering new information are as follows:

1. The BLM planning regulations require evaluating whether there is new data of significance to the land use plan (see 43 CFR 1610.4-9) and whether plan amendments (see 43 CFR 1610.5-5) or revisions (see 43 CFR 1610.5-6) are required;
2. the CEQ regulations (40 CFR 1502.9(c)) require the BLM to prepare supplements to draft or final EISs if the agency makes substantial changes in the proposed action that are relevant to environmental concerns, or if there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts; and
3. joint agency Endangered Species Act regulations (see 50 CFR 402.16 (b)) require consultation to be reinitiated if new information reveals that decisions may affect listed species or critical habitat in a way or to an extent not previously considered, including exceeding the incidental take for a particular action.

B. Considering New Proposals, Circumstances, or Information

New data or information can include, but is not limited to:

1. Changes in status, new listings or new critical habitat designations for endangered, threatened, and other special status or sensitive species (see Appendix C, Section (I)(G));
2. changes in intensity of use or impact levels for a particular resource (e.g., increased recreation use as a result of urban expansion);
3. changes in social and economic conditions resulting from urban expansion or broad conservation efforts (e.g., open space management);
4. public comment or staff assessments indicating that new information or changed circumstances warrant a reconsideration of the appropriate mix of uses on particular tracts of public lands;
5. a biological opinion issued by the USFWS or NOAA-Fisheries on actions in the planning area;

6. information from Tribes, elected county officials, state agencies, or other Federal agencies on significant changes in their related plans or resource conditions that are critical to the BLM land use plans and/or subordinate implementation plans;
7. new state listings of water-quality-limited streams (Clean Water Act, Section 303(d)), total maximum daily load (TMDL) developments, or non-attainment area designations (Clean Air Act) that may lead to the identification of new management practices that would require additional NEPA compliance and could require new land use plan decisions;
8. new geochemical, geologic, or geophysical data;
9. new cultural resource data;
10. environmental disturbances that significantly change natural conditions (e.g., wildfires, floods, or noxious weed infestations);
11. monitoring data and resource assessments associated with implementing resource management actions designed to achieve resource objectives and Land Health Standards;
12. Land use plan evaluations that weigh and interpret information gathered through resource monitoring;
13. determinations as to whether mitigation measures outlined in the plan are effective;
14. new national policy or a change in legal duties resulting from laws, regulations, Executive orders, or the BLM directives. An example would be congressional designation of a river segment under the Wild and Scenic Rivers Act that mandates a protection and enhancement standard that, in turn, may affect resource management objectives, conditions, or uses (e.g., livestock grazing, timber sales, or other proposed projects) outlined in the land use plan; and
15. information from the public or others regarding conditions or uses of resources on public lands.

C. Deciding Whether Changes in Decisions or the Supporting NEPA Analyses are Warranted

The determination whether to amend or revise an RMP based on new proposals, circumstances, or information depends on (1) the nature of new proposals, (2) the significance of the new information or circumstances, (3) specific wording of the existing land use plan decisions, including any provisions for flexibility, and (4) the level and detail of the NEPA analysis. A “yes” answer to any of the following questions suggests the need to revisit existing decisions and/or the NEPA analysis:

H-1601-1 — LAND USE PLANNING HANDBOOK – (Public)

1. Does the new information or circumstance provide for interpretations not known or considered at the time existing decisions were made that could significantly affect ongoing actions? For example: Current land use plan decisions may require that all wildland fires be suppressed to limit the fire to the smallest acreage possible and make no provision for wildland fire use. This conflicts with new Secretarial policy guidance that wildland fire, as a critical natural process, must be reintroduced into fire-dependent ecosystems;
2. Are the decisions in the current land use plan no longer valid, based on significant new information or changed circumstances? If decisions are not valid, the decisions need to be vacated, replaced, or changed through plan amendment or revision. Examples of situations that may require new or changed land use plan decisions include, but are not limited to, the following:
 - a. Monitoring information may show the need to discontinue managing a herd in an existing herd management area because it is not practical to preserve or maintain a thriving ecological balance with the multiple use relationships in that area; conversely, new herd management areas could be established if an analysis of monitoring data shows that a viable herd could be established and meet the requirements for maintaining a thriving ecological balance;
 - b. the inability to achieve Land Health Standards under any level or management of livestock use may affect the decision identifying that allotment as being available for livestock use;
 - c. consultations resulting in new requirements or actions that are not in conformance with the existing land use plan to protect threatened or endangered species or critical habitats may require new land use plan decisions, including new or supplemental NEPA analysis;
 - d. new requirements or actions that affect land use allocations or areawide constraints or restrictions established at the land use plan level would require amendment of land use plan decisions;
 - e. current scientific knowledge, as reflected in scientific literature, could highlight a need to change plan decisions; and
 - f. public comment or a staff assessment supporting a different mix of uses on the lands that will better promote the long-term health and sustainability of the lands and their resources could require an amendment.
3. Are implementation decisions no longer valid, based on new information or changed circumstances? Site-specific resource-use levels or management actions normally do not require a land use plan amendment if the land use plan decisions provide broad direction for these uses and actions; however, they may require appropriate NEPA analysis. For example:

- a. The level of livestock use permitted in an allotment may normally be modified based on allotment-specific resource assessment, condition, and trend-monitoring data.
 - b. Resource use levels or management practices, such as permitted livestock use or pre-commercial forest thinning, may normally be modified or eliminated on a site-specific or project-level basis to satisfy the needs of threatened or endangered species or their critical habitat, as detailed in biological opinions or approved recovery plans. Elimination of livestock grazing on an entire allotment is a management decision that should be thoroughly analyzed through the plan amendment process and not through a maintenance action.
4. Are the effects of proposed or ongoing actions substantially different from those projected in the existing NEPA analyses associated with the existing RMP? If “yes,” conduct a new or supplemental NEPA analysis to the extent necessary to address the differences and document the findings. Determine whether the new NEPA analysis should be conducted as part of a RMP plan amendment.
- a. Consider direct and indirect effects and their significance.
 - b. Consider cumulative effects and whether the new information or circumstances identify or produce incremental impacts added to those resulting from other past, present, and reasonably foreseeable future management actions. Does the additional effect, in the context of the ongoing action, require further mitigation or new RMP decisions?

For example, upon receipt of a proposal to develop an oil and gas field, the BLM would evaluate the proposal for conformance with the RMP. If the proposal is consistent with the reasonably foreseeable development analyzed in the RMP/EIS and the proposal is consistent with the RMP decisions, changes to the RMP/EIS are probably not necessary. In this instance, the BLM would work with the lease holders to obtain appropriate site-specific information, then prepare an activity-level EA or EIS to approve some or all of the wells in the field and set the stage for subsequent application for permit to drill approvals.

If the proposal exceeds the reasonably foreseeable development analyzed in the current RMP/EIS, a new reasonably foreseeable development scenario and NEPA analysis supplementing the RMP/EIS would be warranted. If the proposal exceeds *and* is substantially different from the reasonably foreseeable development analyzed in the RMP/EIS, *and* the new NEPA analysis could reasonably be expected to result in changes to RMP decisions, a plan amendment may also be warranted. When it is not certain whether the project proposal and resulting NEPA analysis will result in the need to amend the RMP, considerable time and cost savings will be achieved by beginning the process as a plan amendment (issuing a NOI). If it is later determined that a plan amendment is not warranted, the amendment may be cancelled and the supplemental NEPA analysis continued.

The supplemental EIS/RMP amendment could also address site-specific review for some or all of the proposed wells and related facilities so that decisions on the field development could be made sequentially with the decisions regarding the proposed RMP amendment. Where site-specific development proposals are known, such a planning/NEPA effort would promote efficient NEPA analysis and result in both plan-level and implementation-level decisions in the same document, thus reducing the need for additional NEPA analysis.

5. In light of new information or circumstances, are there now inconsistencies between the ongoing action and the resource-related plans of Indian Tribes, state and local governments, or other Federal agencies that render earlier consistency findings invalid? Changes in land use plan decisions through amendment or revision must be accompanied by new consistency determinations.

Further NEPA analysis may be conducted to help determine whether decisions are still valid. It is possible to conduct additional NEPA analysis and reach a conclusion that no change is needed in decisions, but the decisions cannot be changed without additional NEPA analysis.

D. Documenting the Determination to Modify, or Not to Modify, Decisions or NEPA Analysis

It is important to document decisions to modify or not modify the land use plan or NEPA analysis when these decisions are reached as part of the formal land use plan evaluation process (Section V). In reviewing new information or circumstances that are controversial or of interest to the public, it is also important to provide all interested parties with written documentation of the BLM's determination.

In response to an outside application or internal proposal, a decision not to change land use decisions will be documented in the case file and/or in the response to the applicant. Case file documentation of decisions to not amend must be signed and dated by the Field Manager and State Director. If the decision not to amend the plan was made through a NEPA analysis, then that decision can be documented in the Plan Conformance section of the NEPA document. If the decision is to change decisions or revisit the NEPA analysis, the rationale to modify, revise, or further evaluate decisions or NEPA analysis may be documented in a NOI prepared during scoping activities or in the planning or NEPA document. Also see Section VII(B).

E. Evaluating New Proposals

New proposals can stem from specific BLM implementation actions, such as a proposal to prepare a livestock grazing allotment management plan, or from non-BLM-initiated proposals, such as a rights-of-way request for a new powerline.

A new proposal should provide enough detail to allow the BLM to determine whether it conforms to existing land use plan decisions and to facilitate screening for adequate NEPA compliance (See Figure 3). The NEPA Handbook (H-1790-1) describes the screening process in more detail.

F. Plan Conformance

The term “plan conformance,” as defined in the BLM planning regulations, means either that the plan specifically identifies a resource management action or (if not) the action is consistent with the terms, conditions, and decisions of the approved plan (43 CFR 1601.0-5(b)). Key considerations in making and documenting conformance determinations include the following:

1. Do land use plan decisions allow, conditionally allow, or preclude the action?
2. Do land use plan decisions call for a new decision to accommodate the action?
3. If the plan does not specifically mention the action, how clearly consistent is the action with plan objectives, terms, conditions, and decisions?

G. Plan Conformance and Ongoing NEPA Activities

After the RMP is approved, any authorizations and management actions approved based on an activity-level or project-specific EIS (or EA) must be specifically provided for in the RMP or be consistent with the terms, conditions, and decisions in the approved RMP. A land use plan amendment may be necessary to consider monitoring and evaluation findings, substantive new data, new or revised policy, changes in circumstances or a proposed action that may result in a change in the scope of resource uses or a change in the terms, conditions, and decisions of the approved RMP. If the BLM determines that a plan amendment may be necessary, preparation of the EIS (or EA) and the analysis necessary for the amendment may occur simultaneously (43 CFR 1610.5).

In those instances when activity-level or project-specific EISs (or EAs) are being used to analyze an action that may not conform to the current land use plan, the BLM has several options: adjust the actions or condition the authorization to conform to the plan or achieve consistency with the terms, conditions, and decisions in the approved RMP; or prepare the EIS (or EA) as a RMP amendment, as described in Section VII.

Key for Evaluating New Proposals

This key poses the six critical screening questions (1 through 6 below) for any proposal or action (see BLM NEPA Handbook [H-1790-1] for additional detail).

1. If the proposal or action conforms to existing land use plans, **go to 2.**
1. If the proposal or action does not, **go to 1a.**
 - 1a. If proposal or action warrants further consideration, **then amend plan¹ or modify proposal to conform.**
 - 1a. If proposal or action does not, **then deny action.**
2. If proposal or action is an exception from BLM/NEPA requirements, **then no additional NEPA analysis is necessary.**
2. If not, **then go to 3.**
3. If proposal or action normally requires an EIS, **go to 3a.**
3. If not, **go to 4.**
 - 3a. If impacts are expected to be significant, **go to 8.**
 - 3a. If not, **go to 7.**
4. If proposal or category of action is listed as a Categorical Exclusion, **go to 4a.**
4. If not, **go to 5.**
 - 4a. If any of the 10 exceptions apply, **go to 7.**
 - 4a. If none apply, **then the proposal or action is Categorically Excluded.**
5. If existing analysis and documentation is sufficient, **then Document NEPA Adequacy.**
5. If insufficient, **then go to 6.**
6. If environmental impacts are expected to be significant, **go to 8.**
6. If insignificant, **go to 7.**
7. Complete EA; if no significant impacts are identified, **then issue FONSI.**
7. Complete EA; if significant impacts are identified, **go to 8.**
8. **Proposal or action requires an EIS.**

¹ This may also be accomplished through a new plan, plan revision, or planning analysis.

Figure 3—Key for evaluating new proposals (an overview)

H. Determining When to Update Land Use Plan Decisions Through Maintenance Actions

The BLM regulation in 43 CFR 1610.5-4 provides that land use plan decisions and supporting components can be maintained to reflect minor changes in data. Maintenance is limited to further refining, documenting, or clarifying a previously approved decision incorporated in the plan. Maintenance must not expand the scope of resource uses or restrictions or change the terms, conditions, and decisions of the approved plan.

Plan maintenance is not considered a plan amendment and does not require formal public involvement, interagency coordination, or the NEPA analysis required for making new land use plan decisions. Maintenance actions must be documented in the plan or supporting components (i.e., recorded so that the change and Field Manager concurrence are evident). Examples of maintenance actions include:

1. Correcting minor data, typographical, mapping, or tabular data errors in the planning records after a plan or plan amendment has been completed;
2. refining the boundary of an archaeological district based on new inventory data;
3. applying an existing oil and gas lease stipulation to a new area prior to the lease sale based on new inventory data (e.g., apply an existing protective stipulation for sage-grouse to a newly discovered sage-grouse lek);
4. refining the known habitat of a special status species addressed in the plan based on new information;
5. modifying or waiving the lease stipulation language in the RMP consistent with the criteria outlined in the land use plan; and
6. refining or adjusting the boundary of a fire management unit (FMU) or other equivalent fire-related polygon through interagency coordination based on updated fire regime condition class inventory, fire occurrence, monitoring data, and/or demographic changes.

Plan maintenance must occur continuously so that the RMP and its supporting records reflect the current status of decision implementation and knowledge of resource conditions.

VII. Amending and Revising Decisions

A. Changing Land Use Plan Decisions

Land use plan decisions are changed through either a plan amendment or a plan revision. The process for conducting plan amendments is basically the same as the land use planning process used in creating RMPs. The primary difference is that circumstances may allow for completing a plan amendment through the EA process, rather than through the EIS or supplemental EIS process. The process for preparing plan revisions is the same as for preparing new RMPs, and an

EIS is always required. Refer to Section III for an overview of the EIS-level and EA-level planning processes.

B. Determining When it is Necessary to Amend Plans and How it is Accomplished

Plan amendments (see 43 CFR 1610.5-5) change one or more of the terms, conditions, or decisions of an approved land use plan. These decisions may include those relating to desired outcomes; measures to achieve desired outcomes, including resource restrictions; or land tenure decisions. Plan amendments are most often prompted by the need to:

1. Consider a proposal or action that does not conform to the plan;
2. implement new or revised policy that changes land use plan decisions, such as an approved conservation agreement between the BLM and the USFWS;
3. respond to new, intensified, or changed uses on public land; and
4. consider significant new information from resource assessments, monitoring, or scientific studies that change land use plan decisions.

The BLM regulations in 43 CFR 1600 and the NEPA process detailed in the CEQ regulations in 40 CFR 1500 guide preparation of plan amendments. The process is tailored to the anticipated level of public interest and potential for significant impacts. In simple, routine cases, it is possible to complete the amendment process in less than 6 months. See Section III for procedures for preparing land use plan decisions.

Plans needing amendment may be grouped geographically or by type of decision in the same amendment process. Similarly, one amendment process may amend the same or related decisions in more than one land use plan. The amendment process may also be used to update plans adopted from another agency.

In reaching a decision to amend a land use plan, the BLM must not only consider the resource, but also other workload priorities, budgetary constraints, and staff capabilities. In situations where available budgets allow and staff capabilities are restricted, consider contracting for all or portions of the plan amendment's NEPA analysis, including baseline data acquisition. If the manager decides not to amend, then nonconforming actions cannot be taken. Any proposal requiring an activity-level or project-specific and programmatic EIS that could result in new or modified RMP decisions, or the need to amend the current RMP prior to implementation, should be prepared as a RMP amendment whenever feasible.

Activity-level or project-specific EISs that address significant new information or circumstances not considered in the EIS for the current land use plan should be prepared as supplements to the EIS for the RMP whenever feasible. In most cases, if a supplement to the RMP/EIS is necessary, the BLM should also consider whether or not a simultaneous plan amendment is necessary.

Where a proposal is not in conformance with the land use plan, the Field Manager may deny the proposal without further review. The decision to deny is subject to appeal to IBLA.

An applicant may request that BLM amend the land use plan to allow an otherwise non-conforming proposal. If the Field Manager determines that the request is warranted, a plan amendment is initiated. If not warranted, the Field Manager submits to the State Director a recommendation to deny, along with appropriate supporting documentation. Denial of a request to amend the plan is a plan level decision made by the State Director and is protestable to the BLM director under 43 CFR 1610.5-2(a) (*Carrasco, 90 IBLA 39 (1985)*).

The State Director may terminate an ongoing plan amendment at any point if the Field Manager provides documentation that the amendment is no longer necessary or appropriate. This is also a protestable decision under 43 CFR 1610.5-2(a).

In either case, whether an appealable or protestable action is taken, the Field Manager should provide public notice of the action and the applicable protest or appeal procedures through news release, letter to mailing list, or other appropriate means. No *Federal Register* notice is required.

C. Determining When it is Necessary to Revise an RMP or Replace an MFP

RMP revisions (see 43 CFR 1610.5-6) involve preparation of a new RMP to replace an existing one. RMP revisions are necessary if monitoring and evaluation findings, new data, new or revised policy, or changes in circumstances indicate that decisions for an entire plan or a major portion of the plan no longer serve as a useful guide for resource management. Plan revisions are prepared using the same procedures and documentation as for new plans.

As funding and capability permit, all MFPs will be replaced by RMPs. The priority for replacing MFPs will be guided by the extent to which those plans fail to meet the statutory requirements for land use planning in FLPMA (see Section II(A)), and the need to modify decisions to meet resource management needs.

D. Changing Implementation Decisions

Implementation decisions are changed through an interdisciplinary NEPA process in conjunction with the BLM resource program-specific guidance.

Any NEPA analysis that will be used to approve on-the-ground actions in conformance with the current RMP should include the appropriate level of site-specific information to facilitate approval of as many of the implementation actions as possible and reduce the need for additional NEPA analysis.

During an on-going RMP revision, it is possible to amend the current RMP to implement an action analyzed in an activity-level or project-specific EA or EIS. The BLM must carefully consider the implications of the information and analysis being prepared for either document. At a minimum, the documents must be carefully coordinated to ensure consistent utilization of available information and analysis.

E. Status of Existing Decisions During the Amendment or Revision Process

Existing land use plans decisions remain in effect during an amendment or revision until the amendment or revision is completed and approved. The decisions of existing land use plans do not change. For example, if current land use plans have designated lands open for a particular use, they remain open for that use. Land use plan decisions may be changed only through the amendment or revision process.

During the amendment or revision process, the BLM should review all proposed implementation actions through the NEPA process to determine whether approval of a proposed action would harm resource values so as to limit the choice of reasonable alternative actions relative to the land use plan decisions being reexamined. Even though the current land use plan may allow an action, the BLM manager has the discretion to defer or modify proposed implementation-level actions and require appropriate conditions of approval, stipulations, relocations, or redesigns to reduce the effect of the action on the values being considered through the amendment or revision process. The appropriate modification to the proposed action is subject to valid existing rights and program-specific regulations. A decision to temporarily defer an action could be made where a different land use or allocation is currently being considered in the preferred alternative of a draft or proposed RMP revision or amendment. These decisions would be specific to individual projects or activities and must not lead to an area-wide moratorium on certain activities during the planning process.

F. Coordinating Simultaneous Planning/NEPA Processes

When preparing an activity-level or project-specific EIS (or EA) during an on-going RMP revision (with its accompanying EIS), there may be opportunities to consolidate some components of the NEPA process, such as the cumulative effects analysis, and public involvement activities, such as public meetings and mailings, to reduce overall costs and simplify the overlapping processes for the public. Depending on the timing of the two decisions (one for the activity-level or project-specific EIS or EA and one for the on-going RMP revision), and the conformance of the management actions to be approved in the EIS or EA, the BLM may choose to amend the RMP in order to implement the proposed actions being analyzed in the EIS or EA prior to completing the on-going RMP revision. In such cases, the BLM must consider the effect of amending the RMP on the on-going RMP revision process. Depending on the nature of the new land use plan decisions, the alternatives to be considered in the on-going RMP revisions process, such as the no action alternative, may need to be modified. Any land use plan decision changed during the on-going RMP revision process could also have a “ripple” effect on many elements of the analysis being prepared for the on-going RMP, such as the purpose and need, affected environment, and environmental effects section.

Glossary of Terms and Acronyms

Following are the acronyms and definitions for terms used in this Handbook. Also see definitions for terms used in Section 103 of FLPMA and the planning regulations at 43 CFR 1601.0-5. This glossary does not supersede these definitions or those in other laws or regulations.

Terms

Activity plan ~ a type of implementation plan (see *Implementation plan*); an activity plan usually describes multiple projects and applies best management practices to meet land use plan objectives. Examples of activity plans include interdisciplinary management plans, habitat management plans, recreation area management plans, and allotment management plans.

Alternative dispute resolution ~ any process used to prevent, manage, or resolve conflicts using procedures other than traditional courtroom litigation or formal agency adjudication.

Amendment ~ the process for considering or making changes in the terms, conditions, and decisions of approved RMPs or MFPs. Usually only one or two issues are considered that involve only a portion of the planning area.

Assessment ~ the act of evaluating and interpreting data and information for a defined purpose.

Beneficial outcomes ~ also referenced as “Recreation Benefits”; improved conditions, maintenance of desired conditions, prevention of worse conditions, and the realization of desired experiences.

Best management practices (BMPs) ~ a suite of techniques that guide, or may be applied to, management actions to aid in achieving desired outcomes. BMPs are often developed in conjunction with land use plans, but they are not considered a land use plan decision unless the land use plan specifies that they are mandatory. They may be updated or modified without a plan amendment if they are not mandatory.

Broadscale data ~ broadscale data sets are intended to support state, multi-state, or regional information needs. Such data could be used for bioregional assessments and conservation strategies, and typically employ a map scale of 1:250,000.

Categorical exclusion (CX) ~ a category of actions (identified in agency guidance) that do not individually or cumulatively have a significant effect on the human environment, and for which neither an environmental assessment nor an EIS is required (40 CFR 1508.4).

Closed ~ generally denotes that an area is not available for a particular use or uses; refer to specific definitions found in law, regulations, or policy guidance for application to individual programs. For example, 43 CFR 8340.0-5 sets forth the specific meaning of “closed” as it relates to off-highway vehicle use, and 43 CFR 8364 defines “closed” as it relates to closure and restriction orders.

Collaboration ~ a cooperative process in which interested parties, often with widely varied interests, work together to seek solutions with broad support for managing public and other lands.

Collaborative partnerships ~ refers to people working together, sharing knowledge and resources, to achieve desired outcomes for public lands and communities within statutory and regulatory frameworks.

Community recreation-tourism market ~ a community or communities dependent on public lands recreation and/or related tourism use, growth, and/or development. Major investments in facilities and visitor assistance are authorized within SRMAs where BLM's strategy is to target demonstrated community recreation-tourism market demand. Here, recreation management actions are geared toward meeting primary recreation-tourism market demand for specific activity, experience, and benefit opportunities. These opportunities are produced through maintenance of prescribed natural resource and/or community setting character and by structuring and implementing management, marketing, monitoring, and administrative actions accordingly.

Conformance ~ means that a proposed action shall be specifically provided for in the land use plan or, if not specifically mentioned, shall be clearly consistent with the goals, objectives, or standards of the approved land use plan.

Conservation agreement ~ a formal signed agreement between the USFWS or NOAA-Fisheries and other parties that implements specific actions, activities, or programs designed to eliminate or reduce threats to, or otherwise improve the status of a species. Conservation agreements can be developed at a state, regional, or national level and generally include multiple agencies at both the state and Federal level, as well as Tribes. Depending on the types of commitments the BLM makes in a conservation agreement and the level of signatory authority, plan revisions or amendments may be required prior to signing the conservation agreement, or subsequently in order to implement the conservation agreement.

Conservation strategy ~ a strategy outlining current activities or threats that are contributing to the decline of a species, along with the actions or strategies needed to reverse or eliminate such a decline or threats. Conservation strategies are generally developed for species of plants and animals that are designated as BLM sensitive species or that have been determined by the USFWS or NOAA-Fisheries to be Federal candidates under the Endangered Species Act.

Consistency ~ means that the proposed land use plan does not conflict with officially approved plans, programs, and policies of Tribes, other Federal agencies, and state and local governments (to the extent practical with Federal law, regulation, and policy).

Cooperating agency ~ assists the lead Federal agency in developing an EA or EIS. The CEQ regulations implementing NEPA define a cooperating agency as any agency that has jurisdiction by law or special expertise for proposals covered by NEPA (40 CFR 1501.6). Any Federal, state, local government jurisdiction with such qualifications may become a cooperating agency by agreement with the lead agency.

Designated roads and trails ~ specific roads and trails identified by the BLM (or other agencies) where some type of motorized vehicle use is appropriate and allowed either seasonally or year-long.

Desired outcomes ~ a type of land use plan decision expressed as a goal or objective.

Destination recreation-tourism market ~ national or regional recreation-tourism visitors and other constituents who value public lands as recreation-tourism destinations. Major investments in facilities and visitor assistance are authorized within SRMAs where BLM's strategy is to target demonstrated destination recreation-tourism market demand. Here, recreation management actions are geared toward meeting primary recreation-tourism market demand for specific activity, experience, and benefit opportunities. These opportunities are produced through maintenance of prescribed natural resource setting character and by structuring and implementing management, marketing, monitoring, and administrative actions accordingly.

Director (BLM Director) ~ the national Director of the BLM.

Documentation of Land Use Plan conformance and NEPA adequacy (DNA) ~ a worksheet for determining and documenting that a new, site-specific proposed action both conforms to the existing land use plan(s) and is adequately analyzed in existing NEPA documents. The signed conclusion in the worksheet is an interim step in BLM's internal analysis process and is not an appealable decision.

Environmental Justice ~ the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including racial, ethnic, or socio-economic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of Federal, state, local, and Tribal programs and policies (see Executive Order 12898).

Evaluation (plan evaluation) ~ the process of reviewing the land use plan and the periodic plan monitoring reports to determine whether the land use plan decisions and NEPA analysis are still valid and whether the plan is being implemented.

Explicit recreation management objective ~ specifically targeted recreation activity, experience, and benefit opportunities (i.e., recreation opportunity outputs) and their attainment (i.e., recreation outcomes).

Extensive recreation management area (ERMA) ~ a public lands unit identified in land use plans containing all acreage not identified as a SRMA. Recreation management actions within an ERMA are limited to only those of a custodial nature.

Fine-scale data ~ fine-scale data sets support local information needs and represent the highest thematic detail and spatial accuracy. Data at this scale are intended for project-specific planning, monitoring, and evaluation, and would be typically represented at the 1:24,000 map scale.

Geographic information system ~ a system of computer hardware, software, data, people and applications that capture, store, edit, analyze, and graphically display a potentially wide array of geospatial information.

Goal ~ a broad statement of a desired outcome; usually not quantifiable and may not have established timeframes for achievement.

Guidelines ~ actions or management practices that may be used to achieve desired outcomes, sometimes expressed as best management practices. Guidelines may be identified during the land use planning process, but they are not considered a land use plan decision unless the plan specifies that they are mandatory. Guidelines for grazing administration must conform to 43 CFR 4180.2.

Implementation decisions ~ decisions that take action to implement land use plan decisions; generally appealable to IBLA under 43 CFR 4.410.

Implementation plan – an area or site-specific plan written to implement decisions made in a land use plan. Implementation plans include both activity plans and project plans (they are types of implementation plans).

Indian Tribe (or Tribe) ~ any Indian group in the conterminous United States that the Secretary of the Interior recognizes as possessing Tribal status (listed periodically in the *Federal Register*).

Land use allocation ~ the identification in a land use plan of the activities and foreseeable development that are allowed, restricted, or excluded for all or part of the planning area, based on desired future conditions.

Land Use Plan ~ a set of decisions that establish management direction for land within an administrative area, as prescribed under the planning provisions of FLPMA; an assimilation of land-use-plan-level decisions developed through the planning process outlined in 43 CFR 1600, regardless of the scale at which the decisions were developed. The term includes both RMPs and MFPs.

Land Use Plan boundary ~ a BLM land use plan boundary is defined as the geographic extent of a RMP or MFP.

Land Use Plan decision ~ establishes desired outcomes and actions needed to achieve them. Decisions are reached using the planning process in 43 CFR 1600. When they are presented to the public as proposed decisions, they can be protested to the BLM Director. They are not appealable to IBLA.

Limited ~ generally denotes that an area or roads and trails are available for a particular use or uses. Refer to specific program definitions found in law, regulations, or policy guidance for application to individual programs. For example, 43 CFR 8340.0-5 defines the specific meaning of “limited” as it relates to off-highway vehicle use.

Management decision ~ a decision made by the BLM to manage public lands. Management decisions include both land use plan decisions and implementation decisions.

Midscale data ~ midscale data sets support information needs at scales between the local and state/regional. Such a level is usually represented at the 1:100,000 scale. Typical usage includes land use planning, rangeland monitoring, and assessment.

Monitoring (plan monitoring) ~ the process of tracking the implementation of land use plan decisions and collecting and assessing data/information necessary to evaluate the effectiveness of land use planning decisions.

Multijurisdictional planning ~ collaborative planning in which the purpose is to address land use planning issues for an area, such as an entire watershed or other landscape unit, in which there is a mix of public and/or private land ownerships and adjoining or overlapping Tribal, state, local government, or other Federal agency authorities.

Objective ~ a description of a desired outcome for a resource. Objectives can be quantified and measured and, where possible, have established timeframes for achievement.

Off-highway vehicle (off-road vehicle) ~ any motorized vehicle capable of, or designed for, travel on or immediately over land, water, or other natural terrain, excluding: (1) any nonamphibious registered motorboat; (2) any military, fire, emergency, or law enforcement vehicle while being used for emergency purposes; (3) any vehicle whose use is expressly authorized by the authorized officer, or otherwise officially approved; (4) vehicles in official use; and (5) any combat or combat support vehicle when used for national defense.

Open ~ generally denotes that an area is available for a particular use or uses. Refer to specific program definitions found in law, regulations, or policy guidance for application to individual programs. For example, 43 CFR 8340.0-5 defines the specific meaning of “open” as it relates to off-highway vehicle use.

Planning analysis ~ a process using appropriate resource data and NEPA analysis to provide a basis for decisions in areas not yet covered by an RMP.

Planning criteria ~ the standards, rules, and other factors developed by managers and interdisciplinary teams for their use in forming judgments about decision making, analysis, and data collection during planning. Planning criteria streamline and simplify the resource management planning actions.

Project plan ~ a type of implementation plan (see *Implementation plan*). A project plan typically addresses individual projects or several related projects. Examples of project plans include prescribed burn plans, trail plans, and recreation site plans.

Public land ~ land or interest in land owned by the United States and administered by the Secretary of the Interior through the BLM without regard to how the United States acquired

ownership, except lands located on the Outer Continental Shelf, and land held for the benefit of Indians, Aleuts, and Eskimos.

Recreation experiences ~ psychological outcomes realized either by recreation-tourism participants as a direct result of their onsite leisure engagements and recreation-tourism activity participation or by non-participating community residents as a result of their interaction with visitors and guests within their community and/or interaction with the BLM and other public and private recreation-tourism providers and their actions.

Recreation management zones (RMZ) ~ subunits within a SRMA managed for distinctly different recreation products. Recreation products are comprised of recreation opportunities, the natural resource and community settings within which they occur, and the administrative and service environment created by all affecting recreation-tourism providers, within which recreation participation occurs.

Recreation niche ~ the place or position within the strategically targeted recreation-tourism market for each SRMA that is most suitable (i.e., capable of producing certain specific kinds of recreation opportunities) and appropriate (i.e., most responsive to identified visitor or resident customers), given available supply and current demand, for the production of specific recreation opportunities and the sustainable maintenance of accompanying natural resource and/or community setting character.

Recreation opportunities ~ favorable circumstances enabling visitors' engagement in a leisure activity to realize immediate psychological experiences and attain more lasting, value-added beneficial outcomes.

Recreation opportunity spectrum (ROS) ~ one of the existing tools for classifying recreation environments (existing and desired) along a continuum ranging from primitive, low-use, and inconspicuous administration to urban, high-use, and a highly visible administrative presence. This continuum recognizes variation among various components of any landscape's physical, social and administrative attributes; and resulting descriptions (of existing conditions) and prescriptions (of desired future conditions) define recreation setting character.

Recreation setting character conditions ~ the distinguishing recreational qualities of any landscape, objectively defined along a continuum ranging from primitive to urban landscapes, expressed in terms of the nature of the component parts of its physical, social and administrative attributes. These recreational qualities can be both classified and mapped. This classification and mapping process should be based on variation that either exists (i.e., setting descriptions) or is desired (i.e., setting prescriptions) among component parts of the various physical, social, and administrative attributes of any landscape. The recreation opportunity spectrum is one of the existing tools for doing this.

Recreation settings ~ the collective, distinguishing attributes of landscapes that influence, and sometimes actually determine, what kinds of recreation opportunities are produced.

Recreation-tourism market ~ recreation-tourism visitors, affected community residents, affecting local governments and private sector businesses, or other constituents and the communities or other places where these customers originate (local, regional, national, or international). Based on analysis of supply and demand, land use plans strategically identify primary recreation-tourism markets for each SRMA—destination, community, or undeveloped.

Resource advisory council (RAC) ~ a council established by the Secretary of the Interior to provide advice or recommendations to BLM management. In some states, provincial advisory councils (PACs) are functional equivalents of RACs.

Resource use level ~ the level of use allowed within an area, based on the desired outcomes and land use allocations in the land use plan. Targets or goals for resource use levels are established on an area-wide or broad watershed level in the land use plan. Site-specific resource use levels are normally determined at the implementation level, based on site-specific resource conditions and needs as determined through resource monitoring and assessments.

Revision ~ the process of completely rewriting the land use plan due to changes in the planning area affecting major portions of the plan or the entire plan.

Scale ~ refers to the geographic area and data resolution under examination in an assessment or planning effort.

Setting character ~ the condition of any recreation system, objectively defined along a continuum ranging from primitive to urban in terms of variation of its component physical, social, and administrative attributes.

Social science ~ the study of society and of individual relationships in and to society, generally including one or more of the academic disciplines of sociology, economics, political science, geography, history, anthropology, and psychology.

Special recreation management area (SRMA) ~ a public lands unit identified in land use plans to direct recreation funding and personnel to fulfill commitments made to provide specific, structured recreation opportunities (i.e., activity, experience, and benefit opportunities). Both land use plan decisions and subsequent implementing actions for recreation in each SRMA are geared to a strategically identified primary market—destination, community, or undeveloped.

Special status species ~ includes proposed species, listed species, and candidate species under the Endangered Species Act; state-listed species; and BLM State Director-designated sensitive species (see BLM Manual 6840, Special Status Species Policy).

Standard ~ a description of the physical and biological conditions or degree of function required for healthy, sustainable lands (e.g., Land Health Standards). To be expressed as a desired outcome (goal).

State implementation plan (SIP) ~ a strategic document, prepared by a state (or other authorized air quality regulatory agency) and approved by the EPA, that thoroughly describes

how requirements of the Clean Air Act will be implemented (including standards to be achieved, control measures to be applied, enforcement actions in case of violation, etc.).

Strategic plan (DOI strategic plan) ~ a plan that establishes the overall direction for all DOI Bureaus, including the BLM. This plan is guided by the requirements of the Government Performance and Results Act of 1993, covers a 5-year period, and is updated every 3 years. It is consistent with FLPMA and other laws affecting the public lands.

Total maximum daily load (TMDL) ~ an estimate of the total quantity of pollutants (from all sources: point, nonpoint, and natural) that may be allowed into waters without exceeding applicable water quality criteria.

Travel management areas ~ polygons or delineated areas where a rational approach has been taken to classify areas open, closed, or limited, and have identified and/or designated network of roads, trails, ways, and other routes that provide for public access and travel across the planning area. All designated travel routes within travel management areas should have a clearly identified need and purpose as well as clearly defined activity types, modes of travel, and seasons or timeframes for allowable access or other limitations.

Tribe ~ see Indian Tribe.

Undeveloped recreation-tourism market ~ national, regional, and/or local recreation-tourism visitors, communities, or other constituents who value public lands for the distinctive kinds of dispersed recreation produced by the vast size and largely open, undeveloped character of their recreation settings. Major investments in facilities are excluded within SRMAs where BLM's strategy is to target demonstrated undeveloped recreation-tourism market demand. Here, recreation management actions are geared toward meeting primary recreation-tourism market demand to sustain distinctive recreation setting characteristics; however, major investments in visitor services are authorized both to sustain those distinctive setting characteristics and to maintain visitor freedom to choose where to go and what to do—all in response to demonstrated demand for undeveloped recreation.

Visual resource management classes ~ categories assigned to public lands based on scenic quality, sensitivity level, and distance zones. There are four classes. Each class has an objective which prescribes the amount of change allowed in the characteristic landscape.

Watershed approach – a framework to guide watershed management that: (1) uses watershed assessments to determine existing and reference conditions; (2) incorporates assessment results into resource management planning; and (3) fosters collaboration with all landowners in the watershed. The framework considers both ground and surface water flow within a hydrologically defined geographical area.

H-1601-1 — LAND USE PLANNING HANDBOOK

Acronyms

| | |
|--------------|--|
| ACEC | area of critical environmental concern |
| ADR | alternative dispute resolution |
| AML | appropriate management level |
| AMS | analysis of the management situation |
| APD | application for permit to drill |
| AUM | animal unit month |
| | |
| BLM | Bureau of Land Management |
| BMP | best management practice |
| | |
| CEQ | Council on Environmental Quality |
| CFR | Code of Federal Regulations |
| CX | categorical exclusion |
| | |
| DM | Departmental Manual |
| DNA | documentation of land use plan conformance and NEPA adequacy |
| DOI | Department of the Interior |
| DR | decision record (for an EA) |
| | |
| EA | environmental assessment |
| EFH | essential fish habitat |
| EIS | environmental impact statement |
| EPA | Environmental Protection Agency |
| EPS | Economic Profile System |
| EPSC | Economic Profile System for Communities |
| ERMA | extensive recreation management area |
| ESA | Endangered Species Act |
| | |
| FACA | Federal Advisory Committee Act |
| FLPMA | Federal Land Policy and Management Act |
| FLTFA | Federal Land Transaction Facilitation Act |
| FOIA | Freedom of Information Act |
| FONSI | finding of no significant impact |
| | |
| GIS | geographic information system |
| GSA | Government Services Agency |
| | |
| HA | herd area |
| HMA | herd management area |
| | |
| IBLA | Interior Board of Land Appeals |
| IDT | interdisciplinary team |
| | |
| LAC | limits of acceptable change |

| | |
|----------------|--|
| MFP | management framework plan |
| MOA | memorandum of agreement |
| MOU | memorandum of understanding |
| NEPA | National Environmental Policy Act |
| NHPA | National Historic Preservation Act |
| NLCS | National Landscape Conservation System |
| NMFS | National Marine Fisheries Service |
| NOA | notice of availability |
| NOAA | National Oceanic and Atmospheric Administration |
| NOI | notice of intent |
| OEPC | Office of Environmental Policy and Compliance |
| OEPR | Office of Environmental Policy Review |
| OHV | off-highway vehicle (also refers to off-road vehicles) |
| OMB | Office of Management and Budget |
| PAC | provincial advisory council |
| PILT | payments-in-lieu-of-taxes |
| PSQ | probable sale quantity |
| RAC | resource advisory council |
| RMP | resource management plan |
| RMZ | recreation management zone |
| ROD | record of decision (for an EIS) |
| ROS | recreation opportunity spectrum |
| ROW | right-of-way |
| SHPO | State Historic Preservation Office |
| SRMA | special recreation management area |
| T&E | threatened and endangered |
| TMDL | total maximum daily load |
| U.S.C. | United States Code |
| USDA | U.S. Department of Agriculture |
| USFWS | U.S. Fish and Wildlife Service |
| VRM | visual resource management |
| WO | Washington Office |

Appendix A: Guide to Collaborative Planning

I. Principles

Collaboration implies that Tribal, state, and local governments, other Federal agencies, and the public will be involved well before the planning process is officially initiated, rather than only at specific points stipulated by regulation and policy. The first-hand experience of BLM Field Managers and staff has resulted in the following suggested guidelines for collaboration.

A. Recognize Tribal, state, and local governments' role in the planning process.

FLPMA, Section 202(c)(9), as paraphrased, requires meaningful participation by local officials and consistency, to the extent practicable, with officially approved plans of Tribal, state, and local governments so long as the plans are consistent with Federal laws and regulations. Early involvement will help ensure that the BLM develops land use decisions that are supported by and conform to other jurisdictions in the area to the maximum extent possible.

B. Be inclusive and explicitly acknowledge the interests of distant groups, individuals, industry, corporations, and other agencies. An effective collaborative process for public land planning assures that local, regional, and national interests are integrated. Distant interests are sought out and encouraged. Effective outreach is the best way to get beyond the barriers to successful participation. Ensure multiple options for participation.

C. Clearly cite the authority of collaborative groups, including that of the BLM, and ensure accountability. Participants must understand the roles of all parties in the planning effort. If the planning effort includes other participants with jurisdictional responsibilities or decision-making authority, the responsibilities of each must be clearly identified. Decisions made by each jurisdiction must be within their own authorities. The BLM retains decision-making authority for all decisions on BLM lands. The BLM does not need to be the lead agency for agency personnel to participate in collaborative efforts.

D. Use collaboration to enhance and complement standard public involvement requirements. Individuals or groups that were unable or chose not to participate in a collaborative process are still entitled to full input through legally required public review and comment processes.

E. Recognize that collaborative processes may not be effective everywhere. The BLM manager retains the authority to manage the planning process and may choose to move forward with traditional planning processes if collaborative efforts are ineffective or become unacceptably lengthy.

II. Practices

A. *Face-to-face or one-on-one communication provides the best means of building trust and good working relationships.* Be sure to ask yourself and others questions such as the following:

1. Who else should I talk to? Who else should be involved? Whom do I need to approach to ensure the best contacts are made? How can the BLM assure sufficiently diverse participation to adequately reflect local, regional, and national interests?
2. What formal and informal opportunities for communication could be used to relay the BLM's message?

B. *On a local level, postings on local bulletin boards and face-to-face communication may best serve community needs when presented in both English and local languages, depending on the unique characteristics of each community.* Consider the following questions:

1. How does this community receive and send information? Would the use of Internet technology, such as websites and e-mail, be effective?
2. Are there community meetings where information and ideas are exchanged?

Although this approach may seem time consuming at first, it is eventually very effective in communicating efficiently with a large number of people, motivating people to implement the agreed upon strategy, building trust, and encouraging broad-based participation. It may seem daunting in urban settings, but the same approach can be effective once the above questions are answered. This approach provides the BLM with a technique to more effectively engage the public in the decision-making process, which normally leads to increased support for the decisions ultimately reached. This approach also provides an early alert to emerging issues, giving a BLM manager more time and flexibility to resolve issues up front. As issues are resolved dynamically, conflict diminishes. These methods can be used in advance of, and are complementary to, a standard communications plan that defines what communications products are needed, who is responsible for producing them, and when specific products must be delivered.

BLM offices should maintain mailing lists of individuals and organizations that request involvement in specific activities or areas, such as rangeland developments or ACECs. NOIs and NOAs for planning/NEPA processes, along with other materials should be provided as requested. Offices should also maintain a listing of planned or ongoing planning/NEPA processes, make these lists available to the public, and encourage public participation throughout the decision-making process.

III. Benefits

Benefits of collaboration include the following:

A. Better decisions are made. Concerns are heard and addressed, information and technical knowledge are shared, mutual goals and actions to achieve these goals are agreed upon, and plans are easier to implement as a result. Solutions tend to be more long-term and hold up to legal scrutiny. Through collaboration with different landowners and jurisdictions, BLM can more effectively plan for the protection and use of the resources it administers.

B. Resources are leveraged more effectively. There are a variety of cost-share arrangements and grants available for collaborative and partnership initiatives that can help implement on-the-ground projects.

C. Relationships are improved. Collaboration encourages people to continue to talk despite differences and changing circumstances, thus improving the ability to resolve conflict and build trust among participants.

IV. Tools

It is highly recommended that training on collaborative skills be completed before undertaking initiatives to work with private citizens and groups. The BLM National Training Center offers a series of courses, “The Partnership Series,” which can be taught in BLM locations to mixed public-private audiences rather than at the National Training Center. Visit their website at www.ntc.blm.gov/partner for more information.

Innovative partnerships and assistance agreements are very helpful to launching collaborative efforts. The BLM Washington Office’s Planning, Assessment, and Community Support Group (WO-210) can provide more information.

The BLM and the Sonoran Institute have prepared “A Desktop Reference Guide to Collaborative, Community-Based Planning” which is available at BLM state and field offices. This guide provides suggestions and examples for collaborative planning.

Also see Executive Order 13352 (Facilitation of Cooperative Conservation).

Appendix B: Federal Advisory Committee Act Considerations

I. Purpose

The Federal Advisory Committee Act (FACA), 5 U.S.C.A. App. 2 (86 Stat. 770, as amended), was enacted on October 6, 1972, to reduce narrow special-interest group influence on decision-makers, to foster equal access to the decision-making process for the general public, and to control costs by preventing the establishment of unnecessary advisory committees. The FACA applies whenever a statute or an agency official establishes or utilizes a committee, board, commission or similar group for the purpose of obtaining advice or recommendations on issues or policies within the agency official's responsibility.

The BLM's managers and staff must understand the provisions of FACA both when they are gathering public input for decision-making processes and when they are working in collaborative efforts, including Alternative Dispute Resolution, to ensure BLM's collaborative efforts comply with FACA. In essence, any time a group will be consulted or will be providing recommendations to a BLM official, the BLM should verify whether FACA applies and, if so, ensure that the FACA requirements are followed. If the BLM fails to comply with FACA, it will leave its decisions and products open to challenge in court.

II. Implementing FACA

A. Avoiding Violations

To avoid violating the FACA, BLM managers should:

1. Consider whether FACA applies to any current or proposed collaborative or group activity. FACA will apply if a group is established or utilized by the BLM for the purpose of obtaining advice. In reaching decisions whether FACA will apply, managers should refer to the General Services Administration's (GSA) regulations at 41 CFR 102-3 and consult with the Office of the Solicitor. Further information about when FACA applies, including the FACA regulations, can be found at www.policyworks.gov/org/main/mc/linkit.htm or in the Committee Management Secretariat section of the GSA website.
 - a. If FACA applies, establishing a committee requires consultation with GSA, filing a charter, publishing a notice in the *Federal Register*, and opening meetings of the group to the public. Also see 43 CFR 1784 (Advisory Committees).
 - b. Existing groups are covered by FACA if they are "utilized" by a Federal agency. A group is "utilized" whenever a Federal agency exercises actual management or control over its operation.
2. For those groups covered by FACA, verify that its requirements are followed, including the filing of an appropriate charter, balancing the membership, informing the public of its meetings (time, place, purpose, etc.) through *Federal Register* publication,

and opening the meetings to the public. Consult with FACA experts to ensure compliance with its procedures. Also see 43 CFR 1784 (Advisory Committees).

Collaborative groups that are not initiated by the BLM can avoid application of FACA and can continue to have active BLM participation by maintaining their independence from BLM actual management or control.

B. Determining if FACA Applies

Figure 4 outlines the basic requirements to determine if the provisions of FACA apply. If there is any doubt, the BLM field office should consult its Solicitor. The field office must determine whether FACA applies to a particular collaborative effort, and if it does, whether it would be beneficial to pursue the effort by chartering the group under FACA or making it a subgroup of a RAC (see 43 CFR 1784.6-2). Answers to the following questions can be helpful in determining whether FACA does or does not apply:

1. Does the group include individuals who are not employees of Tribal, state, or local governments or other Federal agencies?
2. Does the group have a formal organizational structure?
3. How was the group or meeting initiated? Specifically, was the group established by the BLM?
4. Is the group subject to agency actual management or control?
5. What is the function of the group? Is it providing consensus advice or recommendations as a group to the agency?

FACA will not apply to any meeting of more than one individual initiated by the President or Federal official(s) to obtain the advice of individual attendees, provided that the Federal official does not exercise actual management or control over the group. FACA does not apply to meetings held exclusively between Federal officials and Tribal, state, and local elected officials, or their designated employees, where such meetings are solely for the purpose of exchanging views, information, or advice relating to the management or implementation of Federal intergovernmental programs (see Unfunded Mandates Reform Act, 2 U.S.C. 1534).

C. FACA Requirements

If a group is subject to FACA, there are a number of requirements that must be in place in order to proceed. Subcommittees of established FACA committees may, under some circumstances, be subject to these requirements as well. Specific requirements include:

1. A charter describing the committee's function, duration, members, duties, frequency of meetings, and costs.

H-1601-1 — LAND USE PLANNING HANDBOOK

2. A designated Federal employee to attend all meetings and to approve meeting agendas.
3. Notices of meetings that are published in the *Federal Register* and other appropriate venues.
4. Meetings that are open to the public, with detailed minutes prepared for public review.

Further explanation is provided in the BLM's Natural Resource Alternative Dispute Resolution Initiative Strategic Plan and Tool Kit, September 11, 1997, available at BLM state offices.

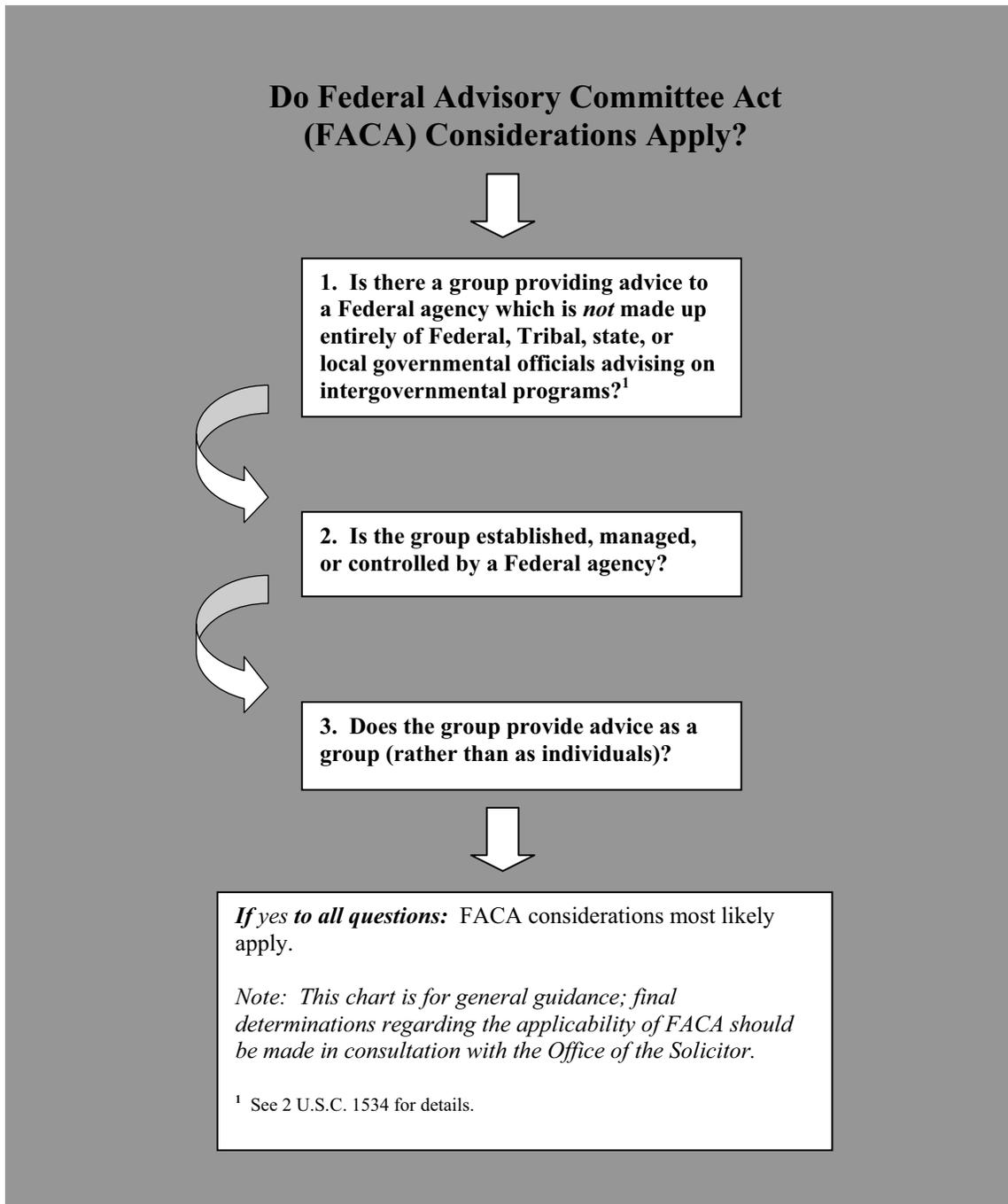


Figure 4.—Federal Advisory Committee Act (FACA) flow chart: Does FACA apply?

Appendix C: Program/Resource-Specific Decision Guidance

This appendix provides three categories of planning information for BLM program areas: (1) *Land Use Plan Decisions*, (2) *Implementation Decisions*, and (3) *Notices, Consultations, and Hearings*. Each program/resource heading contains resource-specific guidance for each category. The guidance presented for each resource should be addressed in conjunction with the guidance presented for other resources to maintain an integrated, interdisciplinary approach to planning.

1. *Land Use Plan Decisions.* These broad-scale decisions guide future land management actions and subsequent site-specific implementation decisions. Land use plan decisions fall into two categories: desired outcomes (goals and objectives), and allowable uses and actions to achieve outcomes. Proposed land use plan decisions are protestable to the BLM Director but are not reviewable by the Office of Hearings and Appeals.

The application of program-specific guidance for land use plan decisions will vary, depending on the decision category, and must be applied as follows:

I. *Natural, Biological, and Cultural Resources:* Decisions identified must be made during the land use planning process if the resource exists in the planning area.

II. *Resource Uses:* Decisions identified must be made during the land use planning process if the BLM anticipates it may authorize or allow a resource use. If uses are allowed, decisions must also be made regarding intensity and limits or restrictions.

III. *Special Designations:* Special designation decisions identified must be made during the land use planning process when the BLM anticipates it may authorize or allow uses which could disqualify inventoried resource values from designation. Special designation decisions may be made during the land use planning process when there is no threat to the inventoried resource.

IV. *Support:* Support needs and decisions may be determined through the land use planning process, based on individual planning situations.

2. *Implementation Decisions.* Implementation decisions generally constitute the BLM's final approval allowing on-the-ground actions to proceed. These types of decisions require site-specific planning and NEPA analysis. They may be incorporated into implementation plans (activity or project plans) or may exist as stand-alone decisions. Where implementation decisions are made as part of the land use planning process, they are still subject to the appeals process or other administrative review as prescribed by specific resource program regulations after the BLM resolves the protests to land use plan decisions and makes a decision to adopt or amend the RMP (*High Desert Multiple Use Coalition, Inc. et al. Keith Collins, 142 IBLA 285 (1998)*).

3. Notices, Consultations, and Hearings. This section identifies resource-specific requirements and suggestions for notices, consultations, and hearings when developing Land use plan decisions that are in addition to those identified in Section III of this Handbook. *Note:* Some laws or regulations, such as the Endangered Species Act, National Historic Preservation Act, and Clean Air Act, have notice, consultation, or hearing requirements that apply to most resource programs, resource uses, or activities. These requirements are identified in the primary program narrative but are not repeated for each resource program, resource use, or activity that may be affected.

I. Natural, Biological, and Cultural Resources

A. Air

Land Use Plan Decisions. Identify desired outcomes and areawide criteria or restrictions, in cooperation with the appropriate air quality regulatory agency, that apply to direct or authorized emission-generating activities, including the Clean Air Act's requirements for compliance with:

1. Applicable National Ambient Air Quality Standards (Section 109);
2. State Implementation Plans (Section 110);
3. Control of Pollution from Federal Facilities (Section 118);
4. Prevention of Significant Deterioration, including visibility impacts to mandatory Federal Class I Areas (Section 160 et seq.); and
5. Conformity Analyses and Determinations (Section 176(c)).

Implementation Decisions. Identify site-specific emission control strategies, processes, and actions to achieve desired air quality conditions from direct or authorized emission-generating activities.

Notices, Consultations, and Hearings. Consult, coordinate, and comply with applicable Tribal, Federal, state, and local air quality regulations, as required by the Clean Air Act, Executive Order 12088, and Tribal, Federal or state implementation plans. Each field office should work closely with counties or states on the development or amendment of state implementation plans.

B. Soil and Water

Land Use Plan Decisions. Identify desired outcomes (including standards or goals under the Clean Water Act). Identify watersheds or specific soils that may need special protection from the standpoint of human health concerns, ecosystem health, or other public uses. For riparian areas, identify desired width/depth ratios, streambank conditions, channel substrate conditions, and large woody material characteristics. Identify areawide use restrictions or other protective measures to meet Tribal, state, and local water quality requirements. Identify measures, including filing for water rights under applicable state or Federal permit procedures, to ensure water availability for multiple use management and functioning, healthy riparian and upland systems.

Implementation Decisions. Identify site-specific management opportunities and priorities by using a watershed approach and watershed assessment information. Identify the site-specific or basin-specific soil, riparian, or nonpoint-source best management practices and rehabilitation techniques needed to meet Tribal, state, and local water quality requirements.

Notices, Consultations, and Hearings. Consult and coordinate with other Federal, state, and local agencies, as directed by the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001-1009), and the Clean Water Act (33 U.S.C. 1251) (see BLM Manual 7000). Collaborate with local watershed groups when developing activity plans.

C. Vegetation

Land Use Plan Decisions. Identify desired outcomes for vegetative resources, including the desired mix of vegetative types, structural stages, and landscape and riparian functions; and provide for native plant, fish, and wildlife habitats and livestock forage. Desired outcomes (goals and objectives) may be established at multiple scales. Identify areas of ecological importance and designate priority plant species and habitats, including special status species and populations of plant species recognized as significant for at least one factor such as density, diversity, size, public interest, remnant character, or age. Identify the actions and areawide use restrictions needed to achieve desired vegetative conditions.

Reference materials for establishing desired outcomes for vegetative resources include:

1. National Range and Pasture Handbook (1997): Natural Resource Conservation Service (USDA- NRCS) Methodology of Vegetation Inventory, Monitoring, Analysis and Management of Grazing Lands.
2. Interpreting Indicators of Rangeland Health: BLM Technical Reference 1734-6.
3. Ecological Site Inventory: BLM Technical Reference 1734-7.
4. Rangeland Health Standards: H-4180-1.
5. Website examples of ecological site descriptions (use Internet Explorer):
 - <http://esis.sc.egov.usda.gov>
 - <http://www.nm.nrcs.usda.gov/technical/fotg/section-2/ESD.html>
 - <http://www.mt.nrcs.usda.gov/technical/ecs/range/ecolsites/>

In areas where Healthy Forests Restoration Act authorities are to be used, identify old growth forest stands or describe a process for identifying old growth forest stands in the land use plan based on the structure and composition characteristic of the forest type. Provide management direction to maintain, or contribute toward the restoration of, the structure and composition of old growth forest stands in areas where these authorities will be used. This management direction should consider the pre-fire exclusion old growth conditions characteristic of the forest

type, taking into account the contribution of the stand to landscape fire adaptation and watershed health, and retaining the large trees contributing to old growth structure.

Implementation Decisions. Identify site-specific vegetation management practices such as allotment grazing systems, vegetation treatments, or manipulation methods (including fuels treatments) to achieve desired plant communities, as well as integrated vegetation management techniques to rehabilitate weed infestations or otherwise control noxious and invasive weeds.

Identify old-growth stands and management practices to achieve old-growth management direction where applicable. Identify old-growth stands and management practices to achieve old-growth management direction where applicable.

Notices, Consultations, and Hearings. Consult under Section 7 of the Endangered Species Act with the USFWS and/or NOAA-Fisheries for all actions that may affect listed species or designated critical habitat or confer if actions are likely to jeopardize the continued existence of a proposed species or result in the destruction of adverse modification of proposed critical habitat (see 50 CFR 402.14 and 402.10; and BLM Handbook H-6840). Depending on state-specific laws, agreements, or policies, there may be additional requirements to confer with state wildlife agencies if Federal actions may affect state-listed species or their habitats.

D. Special Status Species

Land Use Plan Decisions. Identify desired outcomes, strategies, restoration opportunities, use restrictions, and management actions to conserve and recover special status species. Desired outcomes may incorporate goals and objectives from recovery plans and conservation strategies or identify ecologically important areas or scarce, limited habitats. Goals and objectives may be species or habitat specific and can be established at multiple scales (i.e., fine, mid, and broad) to fully understand the context of the larger landscape.

Given the legal mandate to conserve threatened or endangered species and BLM's policy to conserve all special status species, land use planning strategies, desired outcomes, and decisions should result in a reasonable conservation strategy for these species. Land use plan decisions should be clear and sufficiently detailed to enhance habitat or prevent avoidable loss of habitat pending the development and implementation of implementation-level plans. This may include identifying stipulations or criteria that would be applied to implementation actions. Land use plan decisions should be consistent with BLM's mandate to recover listed species and should be consistent with objectives and recommended actions in approved recovery plans, conservation agreements and strategies, MOUs, and applicable biological opinions for threatened and endangered species.

Implementation Decisions. Identify the programmatic and site-specific actions needed to implement planning decisions for conserving and recovering special status species. These decisions may be identified in implementation plans for habitat management areas, ACECs, and grazing allotments, etc.

Notices, Consultations, and Hearings. Consultation with the USFWS or NOAA-Fisheries is required by the Endangered Species Act for actions that may affect listed species and designated critical habitat, and conferencing is needed if actions are likely to jeopardize the continued existence of a proposed species, or result in the destruction or adverse modification of proposed critical habitat (see 50 CFR 402.14 and 402.10; and BLM Manual Section 6840). Depending on state-specific agreements or policies, there may be additional requirements to confer with state wildlife agencies if Federal actions may affect state-listed species or their habitats.

1. *Interagency Agreements on Consultation.* The BLM has entered into a variety of Memoranda of Agreement and Memoranda of Understanding regarding consultation on agency actions to help streamline and bring greater efficiency to the consultation process. A key element of these includes utilizing early involvement of regulatory agency personnel in the planning process. Including representatives from these agencies on the planning team during development of alternatives could improve the BLM's ability to address and discuss the effects of management direction on listed and proposed species and their critical habitats. For additional direction and guidance, consult the most current versions of these Memoranda.

2. *Initial Effects Determination.* During preparation of draft land use plan decisions and associated NEPA analysis, the BLM makes an initial determination of effects to listed or proposed species. If the BLM makes a determination of "no effect" on the preferred alternative, informal consultation is not required.

3. *Informal Consultation.* Informal consultation should be initiated on the preferred alternative with the USFWS or the NOAA-Fisheries if the initial BLM determination is "not likely to adversely affect" listed species or designated critical habitat. "Not likely to adversely affect" determinations are reached when effects of the action are insignificant, discountable, or completely beneficial. **Beneficial effects** are contemporaneous positive effects without any long-term adverse effects to the species. **Insignificant effects** relate to the size of the impact and cannot be meaningfully measured. **Discountable effects** are those that have an extremely low probability of occurring.

Informal consultation is concluded if the Services concur with the BLM determination. This concurrence must be documented in the planning record by a written letter of concurrence from the USFWS or NOAA-Fisheries. If the Services do not concur with the BLM determination, formal consultation must be initiated.

3. *Formal Consultation.* Formal consultation is required when proposed management direction and resource allocations in the preferred alternative are determined to be "likely to adversely affect" to listed species or designated critical habitat. The Endangered Species Act and 50 CFR 402.16 outline criteria for re-initiating consultation when there has been significant change since the original consultation was completed. Based on these criteria, consultation on land use plan and implementation decisions must be re-initiated for any of the following reasons:

- a) New information shows that the plan decisions may affect listed or proposed species or critical habitat in a way or to an extent not previously considered;
- b) land use plan and/or implementation decisions are modified in a way that may cause adverse effects to the listed or proposed species or critical habitat that were not considered in the biological opinion;
- c) implementation of existing land use plan decisions could affect a newly listed species or newly designated critical habitat; or
- d) the amount or extent of incidental take is exceeded.

4. *Conferencing.* The BLM will conference with the Services on any action which is likely to jeopardize the continued existence of any proposed species or result in the destruction or adverse modification of proposed critical habitat. The conference is designed to assist the Federal agency and any applicant in identifying and resolving potential conflicts at an early stage in the planning process. Conferencing includes informal discussions concerning an action that is likely to jeopardize the continued existence of the proposed species or results in the destruction or adverse modification of the proposed critical habitat at issue.

5. *Consultation under Endangered Species Act with Indian Tribes.* Department of the Interior's Secretarial Order 3206, American Indian Tribal Rights; Federal-Tribal Trust Responsibilities; and the Endangered Species Act; requires Interior agencies to consult with Indian Tribes when agency actions to protect a listed species, as a result of compliance with Endangered Species Act, affect or may affect Indian lands, Tribal trust resources, or the exercise of American Indian Tribal rights. Consultation under this Order should be closely coordinated with regional or field offices of the USFWS and/or NOAA-Fisheries for game and non-game species.

E. Fish and Wildlife

Land Use Plan Decisions. Designate priority species and habitats, in addition to special status species, for fish or wildlife species recognized as significant for at least one factor such as density, diversity, size, public interest, remnant character, or age. Identify desired outcomes using BLM strategic plans, state agency strategic plans, and other similar sources.

Describe desired habitat conditions and/or population for major habitat types that support a wide variety of game, non-game, and migratory bird species; acknowledging the states' roles in managing fish and wildlife, working in close coordination with state wildlife agencies, and drawing on state comprehensive wildlife conservation strategies. Identify actions and areawide use restrictions needed to achieve desired population and habitat conditions while maintaining a thriving natural ecological balance and multiple-use relationships. (Also see previous Section D, Special Status Species.) Identify essential fish habitat (EFH) for federally managed fish species (Oregon, Washington, California and Idaho only).

Implementation Decisions. In coordination with state wildlife agencies, identify site-specific actions, such as riparian fencing, guzzler placement, fuels management, etc., needed to manage ecosystems for all species and habitat for special status species. Identify specific measures to conserve and enhance EFH.

Notices, Consultations, and Hearings. Consult under Section 7 of the Endangered Species Act with the USFWS and/or NOAA-Fisheries, for all actions that may affect listed species or designated critical habitat or confer if actions are likely to jeopardize the continued existence of a proposed species or result in the destruction or adverse modification of proposed critical habitat (see 50 CFR 402.14 and 402.10; and BLM Handbook H-6840). Depending on state-specific laws, agreements, or policies, there may be additional requirements to confer with state wildlife agencies if Federal actions may affect state-listed species or their habitats. Consult with the NOAA-Fisheries on any action authorized, funded, or undertaken that may impact EFH (through existing environmental review processes in accordance with NEPA). Comply with Executive Order 13186 for the conservation of migratory birds.

F. Wild Horses and Burros

Land Use Plan Decisions. Identify the following (see 43 CFR 4700):

1. *Herd Areas.* Herd areas (HAs) are limited to areas of the public lands identified as being habitat used by wild horses and burros at the time of the passage of the Wild Horse and Burro Act, as amended (16 U.S.C. 1331-1340). HA boundaries may only be changed when it is determined that (1) areas once listed as HAs are later found to be used only by privately-owned horses or burros, or (2) the HA boundary does not correctly portray where wild horses and burros were found in 1971.
2. *Herd Management Area Designation.* Herd management areas (HMAs) are established only in HAs, within which wild horses and/or burros can be managed for the long term. For HMAs, identify the following:
 - a) Initial and estimated herd size that could be managed while still preserving and maintaining a thriving natural ecological balance and multiple-use relationships for that area.
 - b) Guidelines and criteria for adjusting herd size.
3. *Herd Areas Not Designated as Herd Management Areas.* Where appropriate, the land use plan may include decisions removing horses from all or part of a HA. Examples include intermingled and unfenced lands within HAs where private landowners do not want to make them available for wild horse or burro use; or essential habitat components are not available for wild horse or burro use within a HA.
4. *Wild Horse and Burro Ranges.* An HMA may be considered for designation as a wild horse or burro range when there is a significant public value present, such as unique characteristics in a herd or an outstanding opportunity for public viewing.

5. *Areawide Restrictions Needed to Achieve Objectives.* For example, if domestic horses in HMAs are not compatible with wild horse management policies, then, domestic horse grazing must not be permitted in HMAs or adjacent to HMAs if domestic and wild horses are likely to intermingle.

Implementation Decisions. Identify and set objectives for herd composition, animal characteristics, and habitat development needs. Establish appropriate management levels (AMLs) based on monitoring and evaluations, including the population range within which the herd size will be allowed to fluctuate. (*Commission for the Preservation of Wild Horses, et al., 139 IBLA 24 (1997).*)

Notices, Consultations, and Hearings. The Wild and Free-Roaming Horses and Burros Act, as amended (16 U.S.C. 1331-1340) requires BLM to consult with Federal and state wildlife agencies and all other affected interests during land use and implementation planning for the management of wild horses and burros.

Public hearings are required when anticipated management activities involve the use of helicopters to capture, or the use of motor vehicles to transport, wild horses and burros. Hearings are held in the state where the activities are proposed and are normally conducted on an annual basis (see 43 CFR 4740).

G. Cultural Resources

Land Use Plan Decisions. Identify special cultural resource restrictions that may affect the location, timing, or method of development or use of other resources in the planning area. Identify site-specific use restrictions from cultural resources currently being actively managed. Identify area wide criteria for recognizing potential cultural resource conflicts, such as geographic characteristics of sacred sites, historic properties, or cultural landscapes (springs, ridges, peaks, caves, and rock shelters, for example). Consider these restrictions and criteria in all proposed land and resource use decisions. Identify measures to pro-actively manage, protect, and use cultural resources, including traditional cultural properties.

The scope and scale of cultural resource identification are much more general and less intensive for land use planning than for processing site-specific use proposals. Instead of new, on-the-ground inventory, the appropriate identification level for land use planning is a regional overview: (1) a compilation and analysis of reasonably available cultural resource data and literature, (2) a management-oriented synthesis of the resulting information that includes priorities and a strategy for accomplishing needed inventory (see Manual Section 8110.) If land use decisions, however, are more specific in terms of impacts, they may require a more detailed level of identification of the scope and nature of cultural resources during land use planning.

RMPs will include at least the following two goals:

1. Identify, preserve, and protect significant cultural resources and ensure that they are available for appropriate uses by present and future generations (FLPMA, Section 103

H-1601-1 — LAND USE PLANNING HANDBOOK – (Public)

(c), 201(a) and (c); National Historic Preservation Act, Section 110(a); Archaeological Resources Protection Act, Section 14(a)).

2. Seek to reduce imminent threats and resolve potential conflicts from natural or human-caused deterioration, or potential conflict with other resource uses (FLPMA Sec. 103(c), NHPA 106, 110 (a) (2)) by ensuring that all authorizations for land use and resource use will comply with the NHPA Section 106.

All cultural properties in the RMP area, whether already recorded or projected to occur on the basis of existing-data synthesis, including cultural landscapes, will be allocated to the uses listed in Table C-1 according to their nature and relative preservation value. These use allocations pertain to cultural resources, not to areas of land.

Table C-1.—Cultural use allocations and desired outcomes

| Use allocation ¹ | Desired outcomes |
|---|--|
| a. Scientific use | Preserved until research potential is realized |
| b. Conservation for future use | Preserved until conditions for use are met |
| c. Traditional use | Long-term preservation |
| d. Public use | Long-term preservation, on-site interpretation |
| e. Experimental use | Protected until used |
| f. Discharged from management | No use after recordation; not preserved |
| ¹ The majority of the cultural properties in a given geographic area will fall into categories (a) and (f). The less-common properties in categories (b)–(e) are likely to be associated with particular settings that can be delineated geographically in the planning process. As the plan is developed, properties in categories b–d will require the most attention to balance their proactive uses with other land and resource uses. | |

Implementation Decisions. Identify site-specific information needs, impacted resources, protection measures and opportunities to use cultural properties for scientific, educational, recreational, and traditional purposes. Evaluate whether intended uses would result in changes to cultural properties' significance or preservation value, and if so, how resource condition should be monitored, measured, and maintained at an acceptable level.

1. Cultural properties allocated to uses are subject to the management actions listed in Table C-2 to realize their use potential.

Table C-2.—Cultural use allocations and management actions

| Use allocation | Management |
|---|---|
| a. Scientific use | Permit appropriate research, including date recovery |
| b. Conservation for future use | Propose protective measures/designations ¹ |
| c. Traditional use | Consult with Tribes; determine limitations ¹ |
| d. Public use | Determine permitted use ¹ |
| e. Experimental use | Determine nature of experiment |
| f. Discharged from management | Remove protective measures |
| ¹ Safeguards against incompatible land and resource uses may be imposed through withdrawals, stipulations on leases and permits, design requirements, and similar measures which are developed and recommended by an appropriately staffed interdisciplinary team. | |

2. Categorize geographic area as high/medium/low priority for future inventory of cultural properties.
3. All authorizations for land and resource use will comply with Section 106 of the National Historic Preservation Act, consistent with and subject to the objective established in the RMP for the proactive use of cultural properties in the public interest (NHPA Sec. 106, 101(d)(6), 110(a)(2)(E); national BLM-ACHP-NCSHPO Programmatic Agreement of March 1997).

Notices, Consultations, and Hearings.

1. Consistent with the national Programmatic Agreement and individual state BLM-SHPO protocols, invite the State Historic Preservation Officer (SHPO) to participate from the outset of planning in order to reduce the potential for cultural resource conflicts with other resource uses as plans are implemented.
2. For states not operating under a BLM-SHPO protocol, such as Eastern states, consult with the SHPO before plan approval concerning any actions that may be directly implemented upon plan approval and could affect a cultural property listed in or eligible for the National Register of Historic Places (see 36 CFR 800).
3. Formal consultations under Section 106 of the National Historic Preservation Act usually take place during implementation planning; however, consult with the SHPO during land use planning regarding cultural resource evaluation recommendations (36 CFR 800.4(c)).
4. Consult Tribal leaders and traditional religious practitioners under the American Indian Religious Freedom Act about any management objectives and actions that might affect Native American religious practices, including access to sacred sites. Consult Tribal leaders under the National Historic Preservation Act about any management objectives or actions that might affect properties of traditional cultural importance.

H. Paleontology

Land Use Plan Decisions. Identify criteria or use restrictions to ensure that (a) areas containing, or that are likely to contain, vertebrate or noteworthy occurrences of invertebrate or plant fossils are identified and evaluated prior to authorizing surface-disturbing activities; (b) management recommendations are developed to promote the scientific, educational, and recreational uses of fossils; and (c) threats to paleontological resources are identified and mitigated as appropriate.

Implementation Decisions. Identify appropriate protection measures and scientific, educational, and recreational use opportunities for paleontological localities.

Notices, Consultations, and Hearings. No additional specific requirements exist.

I. Visual Resources

Land Use Plan Decisions. Manage visual resource values in accordance with visual resource management (VRM) objectives (management classes). Designate VRM management classes for all areas of BLM land, based on an inventory of visual resources and management considerations for other land uses. VRM management classes may differ from VRM inventory classes, based on management priorities for land uses (see BLM Handbook H-8410-1 for a description of VRM classes).

Implementation Decisions. Manage resource uses and management activities consistent with the VRM objectives established in the land use plan. Design all BLM resource uses, management activities, and other implementation decisions to meet VRM objectives established in the land use plan. Utilize visual resource design techniques and best management practices to mitigate the potential for short- and long-term impacts. Contrast ratings are required for all major projects proposed on public lands that fall within VRM Class I, II, and III areas which have high sensitivity levels (see Handbook H-8341-1 for contrast-rating procedures).

Notices, Consultations, and Hearings. No additional specific requirements exist.

J. Wildland Fire Management

Land Use Plan Decisions. Fire management strategies must recognize the role of wildland fire as an essential ecological process and natural change agent. Fire management strategies must result in minimum suppression costs, considering firefighter and public safety, benefits, and values to be protected; consistent with resource objectives. Fire management decisions (goals and objectives, and allowable uses and management actions) must reflect that the protection of human life is the single, overriding priority. Other priorities (protecting human communities and community infrastructure, other property and improvements, and natural and cultural resources) are based on the values to be protected, human health and safety, and the costs of protection.

Consistent with these principles, identify landscape-level fire management goals and objectives, which would be achieved through allowable uses and management actions. Use fire regime/condition class methodology to identify desired wildland fire conditions. Wildland fire management goals and objectives must be closely coordinated with vegetation management goals and objectives.

Identify allowable uses and management actions to achieve the fire management goals and objectives, and support the goals and objectives for vegetation, wildlife, and other resources.

As part of identifying allowable uses, identify the geographic areas that are suitable for wildland fire use, provided conditions are appropriate. Also, identify the geographic areas where wildland fire use is not appropriate due to social, economic, political, or resource constraints (e.g., wildland urban interface areas); and where suppression action would be taken.

As part of identifying management actions to achieve goals and objectives, identify the types of fuels management or vegetation management treatments (e.g., mechanical, biological, and chemical treatments and prescribed fire) that would be implemented.

Allowable uses and management actions include the identification of restrictions on fire management practices (including both wildfire suppression and fuels management) needed to protect natural or cultural resource values. Restrictions may be structured to allow flexibility to apply restrictions on a seasonal or annual basis, based on resource conditions, weather factors, and operational capability.

Establish landscape-scale fire management priorities or provide criteria that will guide more site-specific priorities at the fire management plan level.

Implementation Decisions. Identify site-specific fire management practices and fuels treatment actions needed to meet the broad-scale land use plan goals and objectives (such as wildland fire use, prescribed fire, mechanical thinning, biological, and chemical treatments) including their location, size, and specific layout and project design features, as well as any measures needed to protect sensitive resources.

For additional guidance, see the DOI and BLM Fire Management Manuals and Handbooks.

Notices, Consultations, and Hearings.

1. Consult, coordinate, and comply with Tribes, Federal agencies, and state and local governments regarding smoke management where required by the Clean Air Act, Executive Order 12088 (Federal Compliance with Pollution Control Standards), and State Implementation Plans.
2. Consult and coordinate with adjacent Tribes, Federal agencies, and state and local governments to establish protection and fuels management priorities.

K. Wilderness Characteristics

Land Use Plan Decisions. Identify decisions to protect or preserve wilderness characteristics (naturalness, outstanding opportunities for solitude, and outstanding opportunities for primitive and unconfined recreation). Include goals and objectives to protect the resource and management actions necessary to achieve these goals and objectives. For authorized activities, include conditions of use that would avoid or minimize impacts to wilderness characteristics.

Implementation Decisions. Identify site-specific protection measures to insure protection of wilderness characteristics.

Notices, Consultations, and Hearings. No additional specific requirements exist.

L. Cave and Karst Resources

Land Use Plan Decisions. Identify significant caves as mandated by the Federal Cave Resources Protection Act of 1988. Criteria for identification of significant caves is set forth in 43 CFR 37.11(c). If it is determined that a cave meets these criteria, it must be designated as significant as set forth in 43 CFR 37.11(f).

For each designated significant cave, consider whether or not an administrative designation (e.g., ACEC) is needed to provide adequate protection for significant cave resources (see III. Special Designations). Regardless, it is vital that both management objectives and setting prescriptions be set for each designated significant cave. Management objectives should be outcome-based (i.e., not facility- or project-based). Setting prescriptions should specify conditions needed to facilitate achievement of the management objectives.

Implementation Decisions. Address four basic but broad types of cave and karst resource management actions for all significant caves:

1. Management (resources, visitors and facilities);
2. marketing (outreach, information and education, promotion, interpretation, and environmental education);
3. monitoring (social, environmental and administrative indicators and standards); and
4. administration (regulatory, permit/fee/fiscal, data management, and customer liaison).

All BLM implementing actions must be conditioned by the specific management objectives and accompanying setting prescriptions incorporated within land use plan decisions for each significant cave.

Notices, Consultations, and Hearings. Certain actions involving impacts to cave and karst resources may require consultation and coordination with other Federal, state and local government agencies, and nongovernmental organizations or individuals as mandated by Section 4 of the Federal Cave Resources Protection Act; Section 106 of the National Historic Preservation Act; Section 7 of the Endangered Species Act; and Section 8 of the Public Rangeland Improvement Act.

II. Resource Uses

A. Forestry

Land Use Plan Decisions. Identify characteristics (indicators) to describe healthy forest conditions (i.e., desired outcomes) for forest/woodland types found within the planning area (also see I(C), Vegetation). Identify the suite of possible management actions (including appropriate harvest, reforestation, and forest development methods), and associated best management practices, that can be applied to meet desired outcomes.

Identify areas that are available and have the capacity for planned, sustained-yield timber harvest or special forest product harvest. A probable sale quantity (PSQ) should be determined, if possible, for those areas determined to be available for harvest. The PSQ is the allowable harvest level that can be maintained without decline over the long term if the schedule of harvests and regeneration are followed. PSQ recognizes a level of uncertainty in meeting the determined level; this uncertainty is typically based on other environmental factors that preclude harvesting at a particular time (for example, because of watershed or habitat concerns). A PSQ is not a commitment to offer for sale a specific level of timber volume every year.

Implementation Decisions. Identify individual timber or special forest product sale locations and schedules; site-specific intensive management practices, locations, and schedules; and restrictions associated with forestry activities. Identify individual forest health treatment activities by location and schedule (*Headwaters, Inc., 116 IBLA 129 (1990)*).

Notices, Consultations, and Hearings. There are no additional specific requirements.

B. Livestock Grazing

Land Use Plan Decisions. Identify lands available or not available for livestock grazing (see 43 CFR 4130.2(a)), considering the following factors:

1. Other uses for the land;
2. terrain characteristics;
3. soil, vegetation, and watershed characteristics;
4. the presence of undesirable vegetation, including significant invasive weed infestations; and
5. the presence of other resources that may require special management or protection, such as special status species, special recreation management areas (SRMAs), or ACECs.

Decisions identifying lands available, or not available, for livestock grazing may be revisited through the amendment or revision process if the grazing preference or permit on those lands has been voluntarily relinquished, or if there are outstanding requests to voluntarily relinquish the grazing preference or permit. If an evaluation of Land Health Standards identifies an allotment or group of allotments where Land Health Standards cannot be achieved under any level or management of livestock use, then decisions identifying those areas as available for livestock grazing need to be revisited.

For lands available for livestock grazing, identify on an areawide basis both the amount of existing forage available for livestock (expressed in animal unit months) and the future anticipated amount of forage available for livestock with full implementation of the land use plan while maintaining a thriving natural ecological balance and multiple-use relationships. The land use plan needs to describe how these public lands will be managed to become as productive as feasible for livestock grazing, including a description of possible grazing management practices such as grazing systems, range improvements (including land treatments), changes in seasons of use and/or stocking rates. In addition, identify guidelines and criteria for future allotment-

specific adjustments in the amount of forage available for livestock, season of use, or other grazing management practices (*Joel Stamatakis, Steve Stamatakis; 98 IBLA 4 (1987)*).

Implementation Decisions. For areas available for grazing, identify allotment-specific (for one or several allotments) grazing management practices and livestock forage amounts based on monitoring and assessment information, as well as constraints and needs related to other resources. Grazing management practices and levels of livestock grazing use must achieve the desired outcomes outlined in the land use plan, including rangeland health standards (or comprehensive Land Health Standards), or must result in significant progress toward fulfilling rangeland health standards; they must also conform to the guidelines required under 43 CFR 4180.2(b).

Notices, Consultations, and Hearings. Conduct appropriate consultation, cooperation, and coordination actions as required under 43 CFR 4130.2(b). Copies of proposed decisions on grazing use are sent to interested members of the public in accordance with 43 CFR 4160.1.

C. Recreation and Visitor Services

Land Use Plan Decisions. Identify special recreation management areas (SRMAs).

Each SRMA has a distinct, primary recreation-tourism market as well as a corresponding and distinguishing recreation management strategy. For each SRMA selected, determine whether that primary market-based strategy will be to manage for a *destination* recreation-tourism market, a *community* recreation-tourism market, or an *undeveloped* recreation-tourism market, and state that determination in the land use plan. Then describe the market that corresponds to that specific recreation management strategy (who they are and where they are located). Divide recreation areas that have more than one distinct, primary recreation market into separate SRMAs.

For each SRMA identified, delineate discrete recreation management zone (RMZ) boundaries. Each RMZ has four defining characteristics - it: (1) serves a different recreation niche within the primary recreation market; (2) produces a different set of recreation opportunities and facilitates the attainment of different experience and benefit outcomes (to individuals, households and communities, economies, and the environment); (3) has distinctive recreation setting character; and (4) requires a different set of recreation provider actions to meet the strategically-targeted primary recreation market demand. To address these four variables within each RMZ, make the following land-use allocation decisions:

1. Identify the corresponding recreation niche to be served;
2. write explicit recreation management objectives for the specific recreation opportunities to be produced and the outcomes to be attained (activities, experiences, and benefits);
3. prescribe recreation setting character conditions required to produce recreation opportunities and facilitate the attainment of both recreation experiences and beneficial

outcomes, as targeted above (the recreation opportunity spectrum is one of the existing tools for both describing existing setting character and prescribing desired setting character); and

4. briefly describe an activity planning framework that addresses recreation management, marketing, monitoring, and administrative support actions (e.g., visitor services, permits and fees, recreation concessions, and appropriate use restrictions) necessary to achieve explicitly-stated recreation management objectives and setting prescriptions (see Implementation Decisions subsection below).

Visual resource management classes need to be correlated with the recreation management objectives and setting prescriptions that have been set for each RMZ delineated.

Anything not delineated as an SRMA is an extensive recreation management area (ERMA). Management within all ERMAs is restricted to custodial actions only. Therefore, actions within ERMAs are generally implemented directly from land use plan decisions and do not require activity-level planning. Land use plan decisions must, therefore, include recreation management objectives for all ERMAs. Consider addressing visitor health and safety, user conflict and resource protection issues in particular through these recreation management objectives. However, land use plan decisions for ERMAs need to also identify implementing recreation management, marketing, monitoring, and administrative support actions of the kinds listed for SRMAs under Implementation Decisions below (because no follow-up implementation decisions at the activity plan level are required for ERMAs) *Note: If recreation demand (i.e., from an undeveloped recreation-tourism market) requires maintenance of setting character and/or production of associated activity, experience, and benefit opportunities/outcomes, the area should be identified and managed as an SRMA, rather than being custodially managed as an ERMA.*

Recognition of singularly dominant activity-based recreation demand of and by itself (e.g., heavy off-highway vehicle use, river rafting, etc.), however great, generally constitutes insufficient rationale for the identification of an SRMA and the subsequent expenditure of major recreation program investments in facilities and/or visitor assistance. This does not mean that the expenditure of substantial custodial funding is unwarranted when circumstances require it, but such expenditures should be geared to take care of the land and its associated recreation-tourism use and not to provide structured recreation opportunities which characterize SRMAs.

Identification, but not formal designation, of both SRMAs and ERMAs is required (see Manual Section 8300).

Implementation Decisions. For all SRMAs, address four basic but broad types of recreation actions:

1. Recreation management (of resources, visitors, and facilities [i.e., developed recreation sites, roads and trails, recreation concessions, etc.]);

H-1601-1 — LAND USE PLANNING HANDBOOK – (Public)

2. recreation marketing (including outreach, information and education, promotion, interpretation, environmental education; and other visitor services);
3. recreation monitoring (including social, environmental, and administrative indicators and standards); and
4. recreation administration (regulatory; permits and fees, including use restrictions where necessary and appropriate; recreation concessions; fiscal; data management; and customer liaison).

All BLM implementing actions for SRMAs must be conditioned by both the identified primary recreation market strategy and the specific RMZ land use allocation objectives and accompanying setting prescriptions incorporated within land use plan decisions. Since the BLM is not the sole-source provider of public lands recreation, be sure to address any actions of other key recreation-tourism providers within local service communities (i.e., local governments and private recreation-tourism businesses). The BLM cannot dictate to its local government and private business providers. Yet, without their collaborative engagement as managing partners in plan design and implementation, recreation opportunities targeted by land use plan management objectives cannot be produced over the long run, nor can prescribed recreation settings be sustained.

To the greatest extent possible, and appropriate to the setting prescriptions for the area involved, all new construction and modifications to recreation facilities, outdoor developed areas, and any related programs and activities will be accessible to people with disabilities in accordance with the Architectural Barriers Act of 1968 and Section 504 of the Rehabilitation Act of 1973, as amended, and in conformance with relevant building standards, accessible outdoor program guidance, and program regulations.

Notices, Consultations, and Hearings. No additional specific requirements exist.

D. Comprehensive Trails and Travel Management

Land Use Plan Decisions. Delineate travel management areas and designate off-highway vehicle management areas.

1. *Delineating Travel Management Areas.* Comprehensive travel management planning should address all resource use aspects (such as recreational, traditional, casual, agricultural, commercial, and educational) and accompanying modes and conditions of travel on the public lands, not just motorized or off-highway vehicle activities. In the RMP, travel management areas (polygons) should be delineated. Identify acceptable modes of access and travel for each travel management area (including over-land, over-water, over-snow and fly-in access [remote airstrips and float planes]). In developing these areas, consider the following:

- a. Consistency with all resource program goals and objectives;
- b. primary travelers;

- c. objectives for allowing travel in the area;
- d. setting characteristics that are to be maintained (including recreation opportunity system and VRM settings); and
- e. primary means of travel allowed to accomplish the objectives and to maintain the setting characteristics.

2. *Designation of Off-Highway Vehicle Management Areas.* All public lands are required to have off-highway vehicle area designations (see 43 CFR 8342.1). Areas must be classified as *open*, *limited*, or *closed* to motorized travel activities. Criteria for open, limited, and closed area designations are established in 43 CFR 8340.0-5(f), (g) and (h), respectively.

For areas classified as limited consider a full range of possibilities, including travel that will be limited to types or modes of travel, such as foot, equestrian, bicycle, motorized, etc.; limited to existing roads and trails; limited to time or season of use; limited to certain types of vehicles (OHVs, motorcycles, all-terrain vehicles, high clearance, etc.); limited to licensed or permitted vehicles or users; limited to BLM administrative use only; or other types of limitations. In addition, provide specific guidance about the process for managing motorized vehicle access for authorized, permitted, or otherwise approved vehicles for those specific categories of motorized vehicle uses that are exempt from a limited designation (see 43 CFR 8340.0-5(a)(1-5)).

At a minimum, the travel management area designation for wilderness study areas (WSAs) must be limited to ways and trails existing at the time the area became a WSA. *Open* areas within WSAs are appropriate only for sand dune or snow areas designated as such prior to October 21, 1976. Existing roads, ways and trails must be fully documented and mapped. This applies to both motorized and mechanized transport (see Interim Management Policy and Guidelines for Lands Under Wilderness Review H-8550-1(I)(B)(11) for mechanized transport). In addition, future designations may be made for a WSA if it is released from study.

Except as otherwise provided by law (e.g., the Alaska National Interest Lands Conservation Act), congressionally designated wilderness areas are statutorily closed to motorized and mechanized use. These areas should be shown in the land use plans along with the acreage affected.

Existing laws, proclamations, regulations or Executive orders may limit the use of the open area designation or impose additional requirements relating to travel management in specific circumstances.

For RMP provisions related to national scenic, historic and national recreation trails, national back country byways, or other byway designations (see Appendix C, III. Special Designations).

Implementation Decisions. Complete a defined travel management network (system of areas, roads and/or trails) during the development of the land use plan, to the extent practical. If it is

H-1601-1 — LAND USE PLANNING HANDBOOK – (Public)

not practical to define or delineate the travel management network during the land use planning process, a preliminary network must be identified and a process established to select a final travel management network. Possible reasons for not completing the final network might be size or complexity of the area, controversy, incomplete data, or other constraints.

If the final travel management network is to be deferred in the RMP, then the RMP should document the decision-making process used to develop the initial network, provide the basis for future management decisions, and help set guidelines for making road and trail network adjustments throughout the life of the plan. The identification of the uncompleted travel management networks should be delineated in the land use plan and the following tasks completed for each area:

- 1) Produce a map of a preliminary road and trail network;
- 2) define short-term management guidance for road and trail access and activities in areas or sub-areas not completed;
- 3) outline additional data needs, and a strategy to collect needed information;
- 4) provide a clear planning sequence, including public collaboration, criteria and constraints for subsequent road and trail selection and identification;
- 5) provide a schedule to complete the area or sub-area road and trail selection process;
and
- 6) identify any easements and rights-of-ways (to be issued to the BLM or others) needed to maintain the preliminary or existing road and trail network.

If the decision on delineating travel management networks is deferred in the land use plan to the implementation phase, the work normally should be completed within 5 years of the signing of the ROD for the RMP.

At the implementation phase of the plan, establish a process to identify specific areas, roads and/or trails that will be available for public use, and specify limitations placed on use. Products from this process will include:

- 1) A map of roads and trails for all travel modes.
- 2) Definitions and additional limitations for specific roads and trails (defined in 43 CFR 8340.0-5(g)).
- 3) Criteria to select or reject specific roads and trails in the final travel management network, add new roads or trails and to specify limitations.
- 4) Guidelines for management, monitoring, and maintenance of the system.

- 5) Indicators to guide future plan maintenance, amendments, or revisions related to travel management network.
- 6) Needed easements and rights-of-ways (to be issued to the BLM or others) to maintain the existing road and trail network providing public land access.

In addition, travel management networks should be reviewed periodically to ensure that current resource and travel management objectives are being met (see 43 CFR 8342.3).

Notices, Consultations, and Hearings. No additional specific requirements exist.

E. Lands and Realty

Land Use Plan Decisions. Identify the following consistent with the goals and objectives for natural resources within the planning area:

1. Lands for retention (43 CFR 2400), proposed disposal, or acquisition (based on acquisition criteria identified in the land use plan; FLPMA Section 205(b)) (*Oregon Natural Resources Council, 78 IBLA 124 (1983)*). Lands are to be retained in Federal ownership, unless it is determined that disposal of a particular parcel will serve the national interest (FLPMA Section 102(a)(1)). Land use plans should avoid prescribing the method of disposal, acquisition, or property interest to be acquired.
2. Lands or interest in lands that are available for disposal under a variety of disposal authorities, provided they meet the criteria outlined in FLPMA (Sales, Section 203, 43 U.S.C. 1713(a); Exchanges, Section 206, 43 U.S.C. 1716(a); and Reservation and Conveyance of Minerals, Section 209, 43 U.S.C. 1719(a)) or other statutes and regulations. Lands available for disposal must be identified by parcel or by specific areas (on a map or by legal description).
3. Lands available for disposal under the Federal Land Transaction Facilitation Act of 2000 (FLTFA). The FLTFA amended FLPMA to allow retention by the BLM of receipts received from sale of land or interests in land under Section 203 of FLPMA or conveyance of mineral interest under Section 209(b) of FLPMA provided a land use plan was completed prior to July 25, 2000. The FLTFA currently does not apply to lands identified for disposal after July 25, 2000. In Nevada, the FLTFA does not apply to lands eligible for sale under the Southern Nevada Public Land Management Act, Santini-Burton Act, Mesquite Lands Act, or Lincoln County Land Act.
4. Proposed withdrawal areas including existing withdrawals to be continued, modified, or revoked (including how the lands would be managed if the withdrawal were relinquished and an opening order issued) (see 43 CFR 2300).
5. Land Classifications under Section 7 of the Taylor Grazing Act of 1934, as amended (43 U.S.C. 315f). The procedures applicable to Section 7 outlined in 43 CFR 2400 must be followed. The following actions require classification: Recreation and Public

H-1601-1 — LAND USE PLANNING HANDBOOK – (Public)

Purposes Act sales (see 43 CFR 2740) and leases (see 43 CFR 2912); agricultural entries (see 43 CFR 2520, 2530, 2610); and state grants (see 43 CFR 2620). To the extent that the land use planning procedures pursuant to 43 CFR 1600 differ from applicable classification procedures under 43 CFR 2400, the latter procedures shall be followed and applied. The analysis that supports classification decisions is normally the same analysis utilized in the land use planning/NEPA process to make decisions concerning the disposal or retention of public lands. For any classification decision made through the land use plan, initiate the classification decision requirements (i.e., proposed and initial decisions required under 43 CFR 2400) at the time the decision document is issued for the land use plan.

6. Where and under what circumstances authorizations for use, occupancy, and development (such as major leases and land use permits) may be granted (see 43 CFR 2740, 2912, 2911, and 2920, respectively).
7. Existing and potential right-of-way corridors (potential corridors include existing right-of-way routes with the potential for at least one additional facility and thus can be considered a corridor if not already designated) to minimize adverse environmental impacts and the proliferation of separate right-of-ways (see 43 CFR 2806).
8. Existing and potential development areas for renewable energy projects (e.g., wind and solar), communication sites, and other uses.
9. Right-of-way avoidance or exclusion areas (areas to be avoided but may be available for location of right-of-ways with special stipulations and areas which are not available for location of right-of-ways under any conditions).
10. Terms and conditions that may apply to right-of-way corridors or development areas, including best management practices to minimize environmental impacts and limitations on other uses which would be necessary to maintain the corridor and right-of-way values.

Implementation Decisions. Identify exchange agreements, land sale plans, approvals of leases and permits, and all subsequent phases of case processing. Identify issuance of site-specific right-of-way grants and authorizations. Identify authorization notices for those actions that require classification or other notices, including sales, exchanges, state selections, Recreation and Public Purposes Act sales and leases, agricultural entries, and other land disposal actions.

Notices, Consultations, and Hearings. Consult with parties to Interagency Agreements or MOUs relating to corridor identification or use. The Western Utility Group must be consulted when developing decisions affecting utility use. Consult with Indian Tribes and state and local governments having an interest in or jurisdiction over lands proposed for disposal or acquisition.

F. Coal

Land Use Plan Decisions. The land use plan is the chief process by which public land is reviewed to assess whether there are areas suitable for leasing or unsuitable for all or certain

types of coal mining operations under Section 522(b) of the Surface Mining Control and Reclamation Act. Identify the following consistent with the goals and objectives for natural resources within the planning area:

1. Unleased coal lands that are acceptable for further consideration for coal leasing and development and those that are not (see 43 CFR 3461).
2. Areas unsuitable for surface mining of coal (43 CFR 1610.7-1) under the criteria set forth in 43 CFR 3461.5.
3. For acceptable lands, areas suitable for development by all mining methods or by only certain stipulated mining methods, such as surface or underground mining (see 43 CFR 3461).
4. Any special conditions that must be met during more detailed planning, lease sale, or post-lease activities, including measures required to protect other resource values (see 43 CFR 3461).
5. An estimate of the amount of coal recoverable by either surface or underground mining operations or both (43 CFR 3420.1-4(d)). Only those areas that have development potential may be identified as acceptable for further consideration for leasing.
6. Areas that have development potential for coal leasing according to the screening process outlined in 43 CFR 3420.1-4(e)(1-4).
7. Areas to be withdrawn from further consideration for leasing to protect other resource values and land uses that are locally, regionally or nationally important or unique and that are not included in the unsuitability criteria discussed in 43 CFR 3461.5.

Implementation Decisions. Offer leases with appropriate conditions and stipulations, process lease exchanges, process preference right lease applications, and delineate coal tracts for disposal.

Notices, Consultations, and Hearings.

1. Prior to or as part of the initiation or update of a land use plan or land use analysis, a *call for coal and other resource information* shall be made to formally solicit indications of interest and information on coal resource development potential and on other resources which may be affected by coal development for land in the planning unit. Industry, state, and local governments and the general public may submit information on lands that should be considered for coal leasing, including statements describing why the lands should be considered for leasing (43 CFR 3420.1-2).

H-1601-1 — LAND USE PLANNING HANDBOOK – (Public)

The Call for Coal and other Resource Information may be combined with the notice of intent to conduct land use planning published in accordance with 43 CFR 1601.3(g) or with the issue identification process in accordance with 43 CFR 1600.

2. Publish in the *Federal Register* a notice under 43 CFR 3461.2-1(a)(2), providing for a minimum 30-day comment period on the results of the application of unsuitability criteria, exemptions, and exceptions.
3. Consult as required under 43 CFR 3461.5 for unsuitability criteria 7 through 11, criteria 13 through 15, and criterion 17.
4. Consult qualified surface owners as required under 43 CFR 3420.1-4(e)(4) and 1610.2(j) to determine their preference for or against surface mining. If a significant number of qualified surface owners in an area do not support surface mining, BLM can consider only underground mining unless one of the exceptions in 43 CFR 3420.1-4(e)(4)(ii) or (iii) applies.
5. Consult Indian Tribes, other Federal agencies, and states as required under 43 CFR 3420.1-6 and 3420.1-7.
6. Hold a public hearing as required under 43 CFR 1610.2(k) and 43 CFR 3420.1-5 if requested.

G. Oil Shale

Refer to the Fluid Minerals section (Appendix C, Section II.H below) for applicable decision guidance, making decisions that consider the unique development aspects of oil shale, from underground mining to in-situ production techniques.

H. Fluid Minerals: Oil and Gas, Tar Sands, and Geothermal Resources

Land Use Plan Decisions. Identify the following consistent with the goals and objectives for natural resources within the planning area (refer to H-1624-1):

1. Areas open to leasing, subject to existing laws, regulations, and formal orders; and the terms and conditions of the standard lease form.
2. Areas open to leasing, subject to moderate constraints such as seasonal and controlled surface use restrictions. (These are areas where it has been determined that moderately restrictive lease stipulations may be required to mitigate impacts to other land uses or resource values.)
3. Areas open to leasing, subject to major constraints such as no-surface-occupancy stipulations on an area more than 40 acres in size or more than 0.25 mile in width. (These are areas where it has been determined that highly restrictive lease stipulations are required to mitigate impacts to other lands or resource values. This category also

includes areas where overlapping moderate constraints would severely limit development of fluid mineral resources.)

4. Areas closed to leasing. (These are areas where it has been determined that other land uses or resource values cannot be adequately protected with even the most restrictive lease stipulations; appropriate protection can be ensured only by closing the lands to leasing.) Identify whether such closures are discretionary or nondiscretionary; and if discretionary, the rationale.
5. Resource condition objectives that have been established and specific lease stipulations and general/typical conditions of approval and best management practices that will be employed to accomplish these objectives in areas open to leasing.
6. For each lease stipulation, the circumstances for granting an exception, waiver, or modification. Identify the general documentation requirements and any public notification associated with granting exceptions, waivers, or modifications.
7. Whether the leasing and development decisions also apply to geophysical exploration.
8. Whether constraints identified in the land use plan for new leases also apply to areas currently under lease.
9. Long-term resource condition objectives for areas currently under development to guide reclamation activities prior to abandonment.

A plan-level decision to open the lands to leasing represents BLM's determination, based on the information available at the time, that it is appropriate to allow development of the parcel consistent with the terms of the lease, laws, regulations, and orders, and subject to reasonable conditions of approval. When applying leasing restrictions, the least restrictive constraint to meet the resource protection objective should be used.

Implementation Decisions. Offer leases with appropriate stipulations. Address site-specific actions such as geophysical exploration, approval or disapproval of applications for permit to drill (APDs) with attached restrictions or conditions of approval, well siting, tank battery placement, and pipeline routing.

Notices, Consultations, and Hearings. Public notice shall be given 45 days before offering lands for lease and 30 days before approving APDs or substantially modifying the terms of any lease (43 CFR 3101.1-4).

I. Locatable Minerals

Land Use Plan Decisions. For lands that are open to the location of lode, placer, and mill claims, the claimant has statutory authority under the mining laws to ingress, egress and development of those claims. This authority means that those areas open to mineral entry for the purposes of exploration or development of locatable minerals cannot be unreasonably restricted.

Identify the following consistent with the goals and objectives of locatable mineral exploration and development in concert with the protection of natural resources within the planning area.

1. Areas recommended for closure to the mining laws for locatable exploration or development (that must be petitioned for withdrawal).
2. Any terms, conditions, or other special considerations needed to protect other resource values while conducting activities under the operation of the mining laws.

Implementation Decisions.

1. Process notices and plans of operations according to the 43 CFR 3809 regulations.
2. Manage the use and occupancy on public lands for the development of locatable mineral deposits to that which is reasonably incident to prospecting, mining or processing operations under the mining laws (43 CFR 3715).
3. After a resource management plan or plan amendment in which lands are designated unsuitable is approved, the authorized officer shall take all necessary steps to implement the results of the unsuitability review as it applies to locatable minerals.

Notices, Consultations, and Hearings. Recommend proposed withdrawals to the Secretary of the Interior for appropriate action pursuant to Section 204(a) of FLPMA. Comply with the congressional notice provisions of Section 204(c) of FLPMA (43 U.S.C. 1714(c)) for withdrawals of 5,000 acres or more.

Areas that are petitioned for designation as unsuitable for mineral development shall receive public review and hearings as appropriate.

J. Mineral Materials

Land Use Plan Decisions. Identify the following consistent with the goals and objectives for the exploration, development, and disposal of mineral materials in concert with the protection of natural resources within the planning area.

1. Areas open or closed to mineral material disposal.
2. Any terms, conditions, or other special considerations needed to protect resource values while operating under the mineral materials regulations.

Implementation Decisions.

1. Establish common use areas and community pits and process and approve disposal of mineral materials through prospecting permits, free use permits, and competitive and noncompetitive permits and sales.

2. After a resource management plan or plan amendment in which lands are designated unsuitable is approved, the authorized officer shall take all necessary steps to implement the results of the unsuitability review as it applies to mineral materials.

Notices, Consultations, and Hearings. Recommend proposed withdrawals to the Secretary of the Interior for appropriate action pursuant to Section 204(a) of FLPMA. Comply with the congressional notice provisions of Section 204(c) of FLPMA (43 U.S.C. 1714(c)) for withdrawals of 5,000 acres or more.

Areas that are petitioned for designation as unsuitable for mineral development shall receive public review and hearings as appropriate.

K. Non-energy Leasables

Land Use Plan Decisions. Applies to minerals leased under the mineral leasing acts and to hardrock minerals leasable under Reorganization Plan No. 3 of 1946. Identify the following consistent with the goals and objectives for exploration, development, and disposal of non-energy leasables in concert with the protection of natural resources within the planning area.

1. Areas open or closed to non-energy leasing and development.
2. Any area wide terms, conditions, or other special considerations needed to protect other resource values while exploring or developing minerals under the non-energy leasable regulations.

Implementation Decisions.

1. Issue mineral use authorizations for prospecting permits, exploration licenses, preference right lease, competitive leases, lease modifications, and use permits.
2. After a resource management plan or plan amendment in which lands are designated unsuitable is approved, the authorized officer shall take all necessary steps to implement the results of the unsuitability review as it applies to non-energy leasables.

Notices, Consultations, and Hearings. Recommend proposed withdrawals to the Secretary of the Interior for appropriate action pursuant to Section 204(a) of FLPMA. Comply with the congressional notice provisions of Section 204(c) of FLPMA (43 U.S.C. 1714(c)) for withdrawals of 5,000 acres or more.

Areas that are petitioned for designation as unsuitable for mineral development shall receive public review and hearings as appropriate.

III. Special Designations

A. Congressional Designations

Land Use Plan Decisions. Develop stand-alone RMP/EIS-level plans for all national monuments and congressionally designated national conservation areas, national recreation areas, cooperative management and protection areas, outstanding natural areas, and forest reserves (in accordance with the establishing statute or Presidential proclamation).

For designated national scenic and historic trails:

1. Identify goals, objectives and measures to achieve them, as well as allowable uses and surface restrictions to avoid potential adverse affects. Land use plans must also reference, incorporate, or be amended with provisions from applicable comprehensive management plans required by the National Trails System Act.
2. Establish VRM designations; identify SRMAs, recreation management zones, and off-highway vehicle designations; identify trail-related lands for retention, acquisition, withdrawals, avoidance, and exclusion areas; identify appropriate special leasing conditions, terms, constraints, or stipulations; designate trail segments as ACECs; and identify interpretive measures.
3. Concentrate on high potential sites and segments along national historic trails, national register eligible segments, and the primitive character and connection of national scenic trail segments. Consider the historic context and/or current and future landscape condition along the trails.

Implementation Decisions. Develop site-specific implementation actions and plans for congressionally designated areas.

Notices, Consultations, and Hearings. No additional specific requirements.

B. Administrative Designations

Land Use Plan Decisions. Consistent with the goals and objectives for the planning area, make the following determinations:

1. Manage WSAs under the interim management policy (H-8550-1) until they are designated wilderness or released by Congress. Identify management direction for WSAs should they be released from wilderness consideration by Congress.
2. Assess all eligible river segments and determine which are suitable or non-suitable per Section 5(d)(1) of the Wild and Scenic Rivers Act of 1968, as amended (see BLM Manual 8351).

3. Designate ACECs and identify goals, standards, and objectives for each area, as well as general management practices and uses, including necessary constraints and mitigation measures (also see BLM Manual 1613). This direction should be specific enough to minimize the need for subsequent ACEC management plans. ACECs must meet the relevance and importance criteria in 43 CFR 1610.7-2(a) and must require special management (43 CFR 1601.0-5(a)) to:
 - a) Protect the area and prevent irreparable damage to resources or natural systems.
 - b) Protect life and promote safety in areas where natural hazards exist.
4. Designate research natural areas and outstanding natural areas as types of ACECs using the ACEC designation process.
5. Designate BLM Scenic or Back Country Byways. Detailed procedural guidance for nomination and designation of BLM byways, as well as other byway designations occurring on BLM lands (such as All American Roads, National Scenic Byways, State Scenic Byways, Forest Scenic Byways, and similar) can be found in Handbook 8357-1: Byways, 12/17/93.
6. Designate national recreation trails, watchable wildlife viewing sites, wild horse and burro ranges, or other BLM administrative designations.

Subject to valid existing rights, avoid approval of proposed actions that could degrade the values of potential special designations. Proposed actions will be reviewed on a case-by-case basis and impacts to an area's values will be assessed. The standard for this review is the protection of the area's resources and values so that the area will not be disqualified from designation. Subject to valid existing rights, proposed actions that can not meet this standard should be postponed, relocated, mitigated, or denied until the planning for the area is completed.

Implementation Decisions. Develop site-specific management actions and constraints. Evaluate and issue permits for scientific, educational, or recreational activities, and develop project plans for trails, interpretive exhibits, resource rehabilitation, and other site-specific activities. Protective management provisions must be followed to enhance or protect identified resource values and/or characteristics.

Notices, Consultations, and Hearings. Publish a *Federal Register* notice providing a 60-day comment period on proposed ACEC recommendations and resource use limitations (see 43 CFR 1610.7-2(b)).

IV. Support

The planning regulations at 43 CFR 1601.0-5(k)(6) provide that land use plans may identify support needs. These are based on individual planning situations.

A. Cadastral

Land Use Plan Decisions. Identify planning boundaries so the geographic extent of land use decisions is clearly understood. The plan may identify areas where additional cadastral survey work is needed to locate and mark boundaries on the ground, including those areas identified for disposal. The plan may also identify the need to complete more detailed boundary management plans.

Implementation Decisions. If necessary, develop a boundary management plan for locating and marking priority areas. Identify areas needing immediate trespass resolution.

Notices, Consultations, and Hearings. No additional specific requirements.

B. Interpretation and Environmental Education

Land Use Plan Decisions. Identify management goals and/or objectives for interpretation and environmental education, and describe the significant resources or areas that will be made available for interpretation/environmental education. For units of the NLCS, significant resource or area descriptions should be based on the designation or proclamation language establishing each area.

Implementation Decisions. Determine what management actions are necessary to achieve identified interpretive and environmental education goals and/or objectives. Address the techniques to be used, and the partners and volunteers needed, to implement these management actions. The following factors should be considered for relevant activity-level interpretive and environmental education plans:

1. Key stories unique to the area;
2. primary messages or themes;
3. educational goals which support management objectives;
4. primary recreation opportunities;
5. distinctive recreation setting character;
6. key resource as well as recreation-tourism attractions; and
7. administrative services and controls.

The key interpretive stories and educational themes are best identified by collaborating with: 1) community groups; 2) service providers and other interested partners; and 3) other federal, state, and local government agencies. These key stories and themes are often about unique historical, biological, geological, or other resource and human values found within the planning area. The interpretive and educational themes relate to the primary values of the areas and/or their

associated resources. LUP management goals should be incorporated into primary interpretive messages where appropriate.

Notices, Consultations, and Hearings. No additional specific requirements.

C. Transportation Facilities

Land Use Plan Decisions. Identify land areas available or suitable for transportation facilities. Identify types of transportation facilities that are appropriate for the planning area. Identify limitations, if any, on the types or locations of facilities for specified areas.

Identify the area(s) having in-place transportation facilities that should be removed. Identify road repair, road rehabilitation, road construction, and maintenance standards appropriate to specific areas. Identify limitations, if any, on road repair, road rehabilitation, road construction, and maintenance actions. Identify limitations, if any, on road density (i.e., miles/section) for specific areas.

Also refer to Appendix C(II)(D), Comprehensive Trails and Travel Management.

Implementation Decisions. Develop a map or other type of specification document that displays and describes the intended use of the individual geographic units within the planning area. In conjunction with the process of identifying a road network (see Appendix C, Section II.D, (Comprehensive Trails and Travel Management)), develop a transportation plan outlining specific road types and designations such as Federal, state, county, and Tribal roads, BLM administered/maintained roads, and BLM public roads. Identify roads in congressionally designated conservation units, Presidential conservation designations, and administrative conservation designations such as back country byways.

Notices, Consultations, and Hearings. No additional specific requirements.

Appendix D: Social Science Considerations in Land Use Planning Decisions

I. Using Social Science in Land Use Planning

Appendix D provides guidance on integrating social science information into the planning process. Any information gathered in support of a planning effort must be considered in the context of BLM's legal mandates.

The BLM is required to manage the public lands on the basis of multiple use and sustained yield and to meet the needs of present and future generations. As the human population continues to increase and social values evolve, resource conflicts are likely to increase. More importantly, the American public is increasingly aware of the importance of the public lands to its well-being and is demanding a larger voice in resource management decisions. Given these realities, the planning process can represent a constant balancing of competing needs, interests, and values. The effective use of social science can be critical to understanding and reconciling these differing perspectives.

Social science information in land use planning can include the economic, political, cultural, and social structure of communities, regions, and the Nation as a whole; social values, beliefs, and attitudes; how people interact with the landscape; and sense-of-place issues. The social sciences integrate a wide variety of disciplines, generally including economics, sociology, demography, anthropology, archaeology, political science, geography, history, and landscape architecture. Though the information appropriate to a given analysis depends upon the specific issues being assessed, the social science information usually important for resource planning decisions can be grouped in the following categories:

- Demography and Social Indicators
- Social Organization and Institutions
- Attitudes and Values
- Human Geography
- Economic Value
- Employment, Income, and Subsistence
- Public Finance and Government Services
- Environmental Justice

By statute, regulation, and Executive order the BLM must utilize social science in the preparation of informed, sustainable land use planning decisions. Section 202(c)(2) of FLPMA requires BLM to integrate physical, biological, economic, and other sciences in developing land-use plans (43 USC 1712(c)(2)). FLPMA regulations 43 CFR 1610.4-3 and 1610.4-6 also require BLM to analyze social, economic, and institutional information. Section 102(2)(A) of NEPA requires Federal agencies to “insure the integrated use of the natural and social sciences . . . in planning and decision making” (42 USC 4332(2)(A)). Federal agencies are also required to “identify and address . . . disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States” in accordance with Executive Order 12898 on Environmental Justice.

II. Incorporating Socio-economic Information

A. The Planning Process

To be effective, social scientific data and methods should be integrated into the entire planning process, from preparing the pre-plan to implementation and monitoring. The main social science activities for the various planning steps are outlined in Table D-1.

Table D-1.—Social science activities in land use planning

| Planning steps | Social science activities |
|--|--|
| Steps 1 & 2—Identify Issues and Develop Planning Criteria | <ul style="list-style-type: none"> ▪ Identify publics and strategies to reach them ▪ Identify social and economic issues ▪ Identify social and economic planning criteria |
| Step 3—Inventory Data | <ul style="list-style-type: none"> ▪ Identify inventory methods ▪ Collect necessary social and economic data |
| Steps 4—Analyze Management Situation | <ul style="list-style-type: none"> ▪ Conduct social and economic assessment, including existing conditions and trends and the impacts of continuing current management ▪ Document assessment methods in an appendix or technical supplement |
| Step 5—Formulate Alternatives | <ul style="list-style-type: none"> ▪ Identify social and economic opportunities and constraints to help formulate alternatives |
| Step 6—Estimate Effects of Alternatives | <ul style="list-style-type: none"> ▪ Identify analysis methods ▪ Analyze the social and economic effects of the alternatives ▪ Document impact analysis methods in an appendix or technical supplement ▪ Assess mitigation opportunities to enhance alternatives' positive effects and minimize their negative effects |
| Steps 7 & 8—Identify Preferred Alternative and Finalize Plan | <ul style="list-style-type: none"> ▪ Identify potential social and economic factors to help select the preferred alternative |
| Step 9—Monitor and Evaluate | <ul style="list-style-type: none"> ▪ Track social and economic indicators |

B. Objectives of the Analysis

Beyond contributing to the public involvement strategy (see Appendix D, Section III), socio-economic input to BLM's resource management planning has three main elements: baseline assessment, impact analysis, and mitigation.

1. Baseline assessment

Characterize existing conditions and trends in local communities and the wider region that may affect and be affected by land use planning decisions. This baseline assessment should be

included or summarized and referenced in the Affected Environment section of the EIS. In particular, the baseline assessment should:

- a) Review and summarize the relevant published and unpublished literature on the history, economy, and social system(s) of the study area;
- b) characterize the economic structure and activity of communities and groups within the study area that are affected by the management of BLM lands; and
- c) characterize the social structure, activities, and values of such communities and groups.

When preparing RMP amendments for activity- or implementation-level projects, the social science and economic portions of the Affected Environment chapter may be referenced to the original RMP or reduced in complexity, based on the actual issues associated with the proposed actions.

2. Impact analysis

In the Environmental Consequences section of the EIS, characterize impacts to existing conditions and trends from each of the alternatives under consideration, including the no action alternative, relative to the baseline assessment. Impacts include direct, indirect, and cumulative effects for all resources that make up the human environment. In particular, impact analyses should:

- a) Analyze the positive and negative economic effects of each alternative developed within the RMP on those communities and groups;
- b) analyze the positive and negative social effects of each alternative developed within the RMP on those communities and groups; and
- c) in fulfillment of Environmental Justice requirements, identify any disproportionate negative effect on low-income or minority populations associated with one or more proposed alternatives (see Appendix D, Section IV).

3. Mitigation measures

As appropriate, identify measures that may reduce or avoid potential adverse economic or social effects of the alternatives, and maximize their positive effects. Determination of the preferred alternative as expressed in the RMP ROD should reflect this analysis. Note that the preferred alternative is not required to be the alternative with the least cumulative adverse impacts or that provides full mitigation to all social and economic impacts.

C. The Scope of Analysis

There is no standard scope of work for socio-economic analysis because the key topics and methods are shaped in part by the social context and potential resource allocation decisions of a given resource management plan. The social and economic assessment (affected environment) and impact analysis (environmental consequences) should assist the reader to understand the human context of the planning effort, and in particular to identify the potential effects, constraints, and opportunities associated with planning alternatives. Table D-2 presents 27 topics of socio-economic information. We suggest ranking topics as follows:

- 1 ~ Basic:** topic should be addressed (example: population trends)
- 2 ~ Optional:** address if warranted by context and issues
- 3 ~ Not currently indicated:** address if indicated by new information

In Table D-2 some topics considered basic to all socio-economic analyses are assigned a priority of **1**. Field office staff responsible for directing the socio-economic aspect of a resource management plan can use the list of topics to define an appropriate scope of work, identifying which topics should be included in the analysis by ranking as **1** (basic), **2** (optional), or **3** (not currently indicated).

These topics are available as a stand alone Checklist for Socio-Economic Analysis, available on the BLM social science website (see Appendix D, Section VII). For each topic the checklist also includes a field for “plan-specific guidance” to provide BLM staff or contractors with more precise direction as to which groups, issues, and activities should receive particular attention. Note also that the required Economic Strategies Workshop (see Appendix D, Section III[B]) provides an excellent opportunity to discuss with interested government leaders and the public what topics should be emphasized in the socio-economic analysis.

H-1601-1 — LAND USE PLANNING HANDBOOK – (Public)

Table D–2.—Topics for socio-economic analysis

| | Topic | Planning relevance | Examples | Priority |
|---|--|---|--|-----------------|
| Demography and Social Indicators | <i>Population</i> | Potential demand on BLM lands and resources | Population trends; migration, distribution by age and gender | 1 |
| | <i>Inequality</i> | Differences in visibility and influence; identify vulnerable populations (Environmental Justice) | Income distribution; percent of households in poverty | 1 |
| | <i>Social difference</i> | Barriers to public involvement; different user needs and values; identify distinctive populations (Environmental Justice) | Ethnicity; languages spoken in household; Tribal affiliation | |
| | <i>Social indicators</i> | Can indicate community strengths and weaknesses that may have implications for planning issues | Crime rates, divorce rates, unemployment, education, length of residence | |
| Social Organization and Institutions | <i>Government</i> | Potential cooperating agencies; contacts for plan coordination (identified in pre-plan) | Municipal and county governments in/near planning area; special districts; Tribal governments | 1 |
| | <i>Non-governmental institutions</i> | Potential partners for plan implementation; sources of economic and social resilience | Chamber of Commerce; church groups; ethnic advocacy organizations | |
| | <i>Communities of place</i> | Local and regional population centers relative to planning area effects may differ by community | Gateway communities; natural resource-dependent communities | 1 |
| | <i>Social groups and networks</i> | Opportunities for informal contacts in seeking public comment and communicating plans and proposals | Networks linking ranchers or retirees | |
| | <i>Occupational and interest groups</i> | Provide range of perspectives on potential land use decisions, effects may differ by distinct group | Wilderness advocates; oil and gas producers, Cattleman's Association | 1 |
| Attitudes and Meanings | <i>Attitudes and beliefs regarding local environment and its use</i> | Local understandings may shape acceptability of proposed land use decisions [formal techniques: surveys, interviews, focus groups] ¹ | Survey to clarify local understanding of effects of coal bed methane technology on ground-water conditions | |

| | Topic | Planning relevance | Examples | Priority |
|------------------------|---|--|---|-----------------|
| | <i>Significance of proposed land management actions for various publics</i> | While public attitudes are elicited in scoping, formal data collection can identify important differences between groups, providing further information to help identify impacts and mitigation strategies [formal techniques: surveys, interviews, focus groups] ¹ | Interviews to assess social impacts of prescribed burning | |
| | <i>Quality of life</i> | Can indicate community perceptions that may have implications for planning issues | Perceived access to community resources; satisfaction with community conditions, such as opportunities for employment | |
| Human Geography | <i>Distribution of communities, roads, and resources</i> | Clarify geo-spatial context; can predict potential conflicts and impacts over proposed land use allocations | Wildland-urban interface, recreational demand from nearby cities | 1 |
| | <i>Land ownership and access</i> | Can predict potential conflicts and impacts over proposed land use allocations | Split estate ownership of sub-surface minerals | |
| | <i>Culturally and socially significant places and areas</i> | Identify constraints on site-specific activities, help to identify mitigation (may be developed in cultural resource analysis) [formal techniques: surveys, interviews, focus groups] ¹ | Locally valued buildings, sites, and landscapes; sense of place; traditional religious/cultural use areas | |
| Economic Value | <i>Interrelationships among producing sectors</i> | Regional economic sectors and their interrelation as a context for BLM management decisions (when allocation decisions are of sufficient scale to have macroeconomic effects, consider national-level economic interrelationships) | Annual purchase and sales by economic sector (transaction matrix) | 1 |
| | <i>Non-market values of resources and activities</i> | Consider the significance of the non-market values associated with resources managed or impacts by BLM when formulating the management alternatives | Estimate the value of open space, improved riparian areas, improved wildlife habitat | |

H-1601-1 — LAND USE PLANNING HANDBOOK – (Public)

| | Topic | Planning relevance | Examples | Priority |
|---|---|---|---|-----------------|
| | <i>Dependence on BLM lands and resources</i> | Understand and quantify the potential local and regional impacts of land use decisions | Value of BLM timber sales, visitor-day expenditures, grazing and mining to the local economy | |
| Employment, Income, and Subsistence | <i>Employment</i> | Quantify the anticipated employment impacts by sector to determine the population changes and the associated demand on the infrastructure in the study area | Temporary jobs from oil and gas development versus service jobs created by increased recreational opportunities | 1 |
| | <i>Personal income</i> | Forecasting the anticipated change in income, occurring as a result of the BLM alternatives | Non-labor income (dividends, transfer payments) | 1 |
| | <i>Economic diversity and resilience</i> | Ability of stakeholder communities to respond to external change | Level of dependence on single economic sector | |
| | <i>Regional economic organization</i> | Identify amount and geographic distribution of new indirect and induced employment resulting from additional local investment | New local jobs resulting from proposed increase in oil and gas production on public lands | |
| | <i>Subsistence activities</i> | Non-market production from BLM lands for local use | Amount and value of subsistence hunting by local residents | |
| Public Finance and Government Services | <i>Government revenues and expenditures</i> | Fiscal capacity and resilience under change | Change in tax revenues and county PILT receipts | |
| | <i>Public infrastructure and services</i> | Community services may be impacted by resource or recreational development of public lands | Expenditures on schools, roads, social services | |
| Environmental Justice | <i>Characterize Environmental Justice populations in planning area</i> | See Demography and Social Indicators: inequality, social difference | Much of the commercial harvesting of non-timber forest products in Pacific Northwest is organized through ethnic networks | 1 |
| | <i>Assess potential for disproportionate impacts to Environmental Justice populations</i> | Identify whether Environmental Justice issues require further modification of alternatives, or further mitigation of impacts | Oil and gas development in areas where American Indian populations collect medicinal plants | 1 |

¹ Primary (new) data collection methods may be subject to requirements of the Paperwork Reduction Act. See Planning Handbook, Appendix D, Section V(C). Secondary data may also be available.

D. Deliverables in Contracting

It is recommended the field offices contracting for socio-economic analyses in resource management plans require the following deliverables.

1. Baseline social and economic assessments, for inclusion in the AMS document.
2. Abbreviated baseline social and economic assessments, for inclusion in the Affected Environment chapter of the plan/EIS.
3. Proposed impact analysis strategy, describing the social and economic variables, the key data sources, and the analytic methods proposed. These should be based on requirements provided by the contracting officer's representative, issues identified in the pre-plan, information obtained through scoping and other public involvement, guidance from cooperating agencies, and the social and economic baseline assessments.
4. Social and economic impact analyses, for inclusion in the Environmental Consequences chapter of the plan/EIS.
5. Analysis of Environmental Justice compliance.
6. A brief methodological statement, presented as an appendix to the plan/EIS, summarizing the significant analytic assumptions and methods utilized in preparing the statement of social and economic impacts.

E. Analytic Guidelines

Social science information provided for resource management plans should be consistent with the following guidelines.

1. *Scale and level of effort.* The scope of analysis and level of effort should be commensurate with the importance of the particular resource issues. In other words, focus data collection and analysis on those issues and sectors that are important for the agency's decision-making or important for the publics, as identified through scoping and other formal and informal forms of public involvement.

For example, a regional programmatic plan would likely provide a broad characterization of communities within and near the planning region as well as an examination of national-scale public land priorities. A single RMP would likely focus on a much smaller area and include a more detailed analysis for each community. At the implementation plan level, the analysis would focus on more site-specific information, such as the groups, networks, or individuals affected by the decision under consideration.

2. *Assessment area.* The assessment (study) area for economic and social analysis may be larger than the designated planning area (for example, because of a major retail center outside but near the planning area). Depending on the issues, the boundaries of the social

H-1601-1 — LAND USE PLANNING HANDBOOK – (Public)

and economic study areas may not be identical. The analysis may also require describing populations that do not reside primarily in the assessment area, such as recreational users coming from metropolitan areas.

3. *Schedule.* Information should be gathered early enough to be included throughout the discussion and decision-making phases of the planning effort.

Note that the economic analysis (and indirectly, the social analysis) is dependent on sound output projections for each significant resource, over each alternative to be evaluated. For example, the economic analysis of recreation-related impacts (changes in assessment area payroll and employment) cannot be done until the recreation specialists have determined the changes in visitor days, by alternative. The economic analysis of mineral development cannot be done until the geologists have developed an analysis of the changes in mineral availability and production, by alternative.

4. *Dimensions of impact analysis.* Impact analyses must make clear how the social and economic effects of each management alternative—both positive and negative—are distributed among the communities and groups in the assessment area, and among other relevant populations (for example, recreational users who live outside the study area). Potential impacts have multiple aspects relevant to decision-making; a well-crafted impact analysis should describe the aspects listed in Table D-3.

Table D-3.—Dimensions of impact analysis relevant to decision-making

| Aspect | Describe |
|-----------------|---|
| Space | <ul style="list-style-type: none"> ▪ Impacts across multiple geographic scales: individual, household, community, region, and where appropriate, national society. |
| Time | <ul style="list-style-type: none"> ▪ Impacts across multiples time scales: short-term versus long-term. |
| Social identity | <ul style="list-style-type: none"> ▪ Who would be affected, and in what ways. If different groups or publics (for example, distinguished by income, ethnicity, gender, or occupation) will be unequally affected, describe and explain why. Where low income, minority, or Tribal populations would be disproportionately affected, ensure that this is documented in the Environmental Justice assessment (see Section IV). |
| Magnitude | <ul style="list-style-type: none"> ▪ The magnitude and significance of projected impacts. |
| Probability | <ul style="list-style-type: none"> ▪ The likelihood of a projected impact occurring. |
| Causation | <ul style="list-style-type: none"> ▪ The direct, indirect, and cumulative projected impacts. |
| Acceptability | <ul style="list-style-type: none"> ▪ The anticipated desirability or acceptability of projected impacts. |

5. *Analysis of no-action alternative.* For the Environmental Consequences section of the EIS, characterize impacts to existing economic conditions and trends from each of the alternatives under consideration, relative to the no action alternative. While the no action alternative assumes no new actions within the RMP's scope of decisions, it should

include other changes reasonably anticipated to affect the study area within the planning timeframe.

6. *Non-market value.* The analysis of economic impacts for each plan alternative should consider not merely anticipated expenditures (market transactions), but where feasible, the anticipated consumer surplus generated by the proposed activity, as determined by estimates of willingness-to-pay (non-market values). To estimate non-market values for activities proposed under a plan alternative, it is often more practical to utilize *benefit transfer* methods than to undertake new research within the study area, by applying soundly derived non-market values established for comparable sites and activities.

III. Public Involvement

A. Integrating Social Science Into Public Involvement

Development of the social and economic analysis should take place as part of a larger collaborative dialogue between BLM and the public. Staff or contractors responsible for social science contributions to the RMP should integrate information from public involvement processes with technical data collection and analysis. Moreover, social and economic analysis can provide information about affected groups that can improve plans for public involvement.

To the extent feasible, BLM's public involvement process should seek not only attitudes and values relevant to planning issues and alternatives, but also suggestions regarding sources of data and methods of analysis. Involving local publics in discussions of appropriate data and methods early in a planning process increases the likelihood that the resulting analysis of effects will be considered credible and useful. State and field offices are encouraged to engage potential and existing partners in the collection, preparation, and analysis of social and economic data leading to the formulation of alternatives, their anticipated impacts, and potential mitigation.

Partners include other Federal agencies and state, Tribal, county, and municipal governments. Information-sharing with partners is crucial to the formulation of cumulative social and economic impacts from alternatives that span jurisdictional/regional boundaries. Consider cooperating agency status where appropriate and look for opportunities to combine analysis with partners' planning processes. Other participants, such as universities, communities, religious institutions, industry representatives, and non-governmental organizations may also share vital information not obtainable through standard data sources.

B. Economic Strategies Workshop

The public involvement effort on all new RMPs, RMP revisions, and RMP amendments accompanied by EISs must include at least one economic strategies workshop. Such workshops provide an opportunity for local government officials, community leaders, and other citizens to discuss regional economic conditions, trends, and strategies with BLM managers and staff. Such workshops must meet three objectives:

H-1601-1 — LAND USE PLANNING HANDBOOK – (Public)

1. Imparting skills on analyzing local and regional economic and social conditions and trends;
2. assisting community members to identify desired economic and social conditions; and
3. collaborating with BLM staff to identify opportunities to advance local economic and social goals through planning and policy decisions within the authority of BLM, its cooperating agencies, or other partners.

Field Managers are welcome to select appropriate workshops from qualified vendors, or to work with State Office or Washington Office social science staff to design a workshop appropriate to their situations. The cost of such workshops should be included in the RMP planning budget and indicated in the pre-plan. For sources of further information on such workshops, see Section VI, Further Guidance.

IV. Environmental Justice Requirements

Environmental Justice involves the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including racial, ethnic, or socio-economic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of Federal, state, local, and Tribal programs and policies.

Executive Order 12898, issued in 1994, requires that “. . . each Federal agency shall make achieving Environmental Justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”

A. BLM's Environmental Justice Principles

1. The BLM will determine if its proposed actions will adversely and disproportionately impact minority populations, low-income communities, and Tribes (reference Executive Order No. 12898, Environmental Justice) and consider aggregate, cumulative, and synergistic effects, including results of actions taken by other parties. While Environmental Justice analysis is specifically concerned with disproportionate effects on the three populations, the social and economic analysis produced in accord with NEPA considers all potential social and economic effects, positive and negative, on any distinct group.
2. The BLM will promote and provide opportunities for full involvement of minority populations, low-income communities, and Tribes in BLM decisions that affect their lives, livelihoods, and health.

3. The BLM will incorporate Environmental Justice considerations in land use planning alternatives to adequately respond to Environmental Justice issues and problems facing minority populations, low-income communities, and Tribes living near public lands, working with, and/or using public land resources.
4. Where disproportionately high adverse impacts are anticipated, the BLM will work with local community groups/associations, governments, and Tribal leaders to determine if land disposition and/or acquisition policies affect real estate values and real income of minority and low income communities, and Tribes.
5. The BLM State and Field Offices will continue to make Environmental Justice a mandatory critical element for consideration in all land use planning and NEPA documents.

B. Incorporating Environmental Justice Efforts in the RMP/EIS Process

1. Consult with other Federal agencies, Tribal leaders, states and local governments, community groups/associations, churches, etc., to identify minority and low-income communities, and reservations, including migrant and/or seasonal workers. Work with the above groups to determine any potential disproportionately high and adverse impacts posed by the proposed action. With the cooperation of the partners, affected minority populations, low-income communities, and Tribes, adopt and implement creative measures to eliminate, minimize, and/or correct identified Environmental Justice impacts.
2. Through collaboration, identify potential planning areas where proposed action(s) could have disproportionately high and adverse impacts on the health of minority populations, low-income communities and Tribes or their surrounding environment, and document findings and recommended solutions.
3. Share appropriate information about potential high and adverse impacts with minority populations, and/or low-income communities, and/or Tribes through workshops, informal meetings, or other forums and solicit feedback and recommendations.
4. Publish NOIs and NOAs announcing scoping/issue identification meetings in the local media (newspaper, radio, or television) of identified minority and low-income communities and Tribes informing them of such meetings.
5. Develop mailing lists of identified minority populations, low-income communities, and Tribes. Become knowledgeable of the geographic areas of proposed actions and the people that live there (minority and low-income including those in transitory status).
6. When appropriate, schedule scoping/issue identification meetings in minority and low-income communities or on Tribal reservations; and
7. Consider the need to translate to other languages planning and NEPA documents mailed/circulated to identified minority populations, low-income communities, and

Tribes. Consider also the need to have an interpreter present at all scheduled meetings if there are potential language problems.

C. Documentation and Analysis

1. Pre-plans should identify known low-income, minority, and Tribal populations within the assessment area, and should indicate what measures will be taken to encourage their participation in the planning process.
2. Data and analyses needed to ensure Environmental Justice compliance should be incorporated in work plans for social and economic impact analyses.
3. Environmental Justice considerations should be documented by the RMP/EIS social and economic analyses in (a) the Analysis of the Management Situation, (b) the Affected Environment chapter, and (c) the Impact Analysis (Environmental Consequences) chapter. An explanation of how any Environmental Justice issues have been considered and, where possible, mitigated should be included in the description and rationale for the preferred alternative.

V. Data Management

A. Types of Data

The type of data to be collected and analyzed should be appropriate to the planning scale and the issues identified through the scoping process.

There are numerous sources of data available at the national, state, and local levels from government, university, and private sources. Utilize BLM sources as well as other governmental agencies that routinely collect and report economic and social data. Much of the government data is easily available online. Locally and regionally produced reports on social and economic conditions that are produced on a one-time basis (such as county or community planning documents and university extension studies) may also be useful.

Use existing data to the extent possible: planning documents and environmental impact statements do not routinely require primary data collection. Nonetheless, collecting primary data may be necessary, particularly for social impact assessment, using techniques such as surveys, focus groups, or key informant interviews. Any plan to include primary data collection should be justified in terms of gaps in available data or special circumstances.

B. Data Quality and Analytic Soundness

Social and economic analyses should be performed in a manner consistent with professionally recognized approaches, methods, and techniques. In addition, the Information Quality Act (Public Law 106-554, §515) requires Federal agencies to ensure that influential information, such as that used in the preparation of resource management plans, be characterized by reproducibility and transparency.

BLM recognizes that influential information should be subject to a high degree of transparency about data and methods to facilitate the reproducibility of such information by qualified third parties, to an acceptable degree of precision. It is important that analytic results have a high degree of transparency regarding (1) the source of the data used, (2) the various assumptions employed, (3) the analytic methods applied, and (4) the statistical procedures employed. It is also important that the degree of rigor with which each of these factors is presented and discussed be scaled as appropriate, and that all factors be presented and discussed. (See BLM's "Information Quality Guidelines," available at: http://www.blm.gov/nhp/efoia/data_quality/.)

Data sources and methods of analysis must be clearly and briefly described in the text of the RMP/EIS and described in more detail in a technical supplement or RMP appendix.

C. Paperwork Reduction Act Requirements for New Data Collection

RMP/EIS teams must ensure that any new (primary) data collection complies with the requirements of the Paperwork Reduction Act of 1995 (Public Law 104-13).

If answers to identical questions are to be collected from 10 or more members of the public—for example, through a survey questionnaire—the Paperwork Reduction Act requires Office of Management and Budget (OMB) approval for the study. Note that for purposes of the Act, "public" also applies to state, local, and Tribal government employees, though not to employees of the Federal government. OMB review is normally a lengthy process, which must be initiated through the BLM Washington Office. Unless the proposed data collection can be processed by expedited review under the terms of an existing generic OMB authorization (such as that for Customer Satisfaction Surveys), approval is likely to be time consuming.

VI. Data Sources

A. Use of the Economic Profile System

Developed by the Sonoran Institute under an agreement with the BLM, the Economic Profile System (EPS) and its companion, EPSC (for Community), produce standardized economic and demographic profiles for a selected region, county, or community in any of the 50 states. EPS and EPSC simplify the socio-economic research required for land use planning by gathering and presenting, in a variety of useful formats, data from multiple Federal databases. These information tools were created to improve planning and more efficiently accomplish the time-consuming task of gathering important social and economic data. EPSC uses the Decennial Census to provide in-depth community-level profiles. EPS draws upon a variety of governmental databases to produce thorough and multi-faceted profiles of economic and demographic changes over the past 30 years.

Field offices are encouraged to use EPS and EPSC as tools for characterizing economic and social baseline conditions. EPS and EPSC profiles can be provided in an appendix to the AMS or RMP/EIS, while selected figures and tables can easily be incorporated in the main RMP/EIS text. Where a plan or NEPA analysis will be prepared by contractors, planning leads are encouraged to have contractors utilize EPS in plan preparation, and to seek commensurate cost

savings in contracted work. Note that EPS and EPSC are not impact models: they cannot be used to quantify the economic impacts of a proposed activity or planning alternative.

For further information on EPS and EPSC, see Section VI, Further Guidance.

B. References

The following references are provided as potential sources for social and economic information. Data and information from these and other sources must be used within the context of the laws governing BLM's management of the public lands.

The Federal Interagency Council on Statistical Policy. Fedstats Website:

<http://www.fedstats.gov/>. This website provides access to a wide variety of data produced by over 70 Federal agencies for public use. It provides access to statistics for demographics, economics, natural resources, the environment, energy, health, education, and many other areas. Much of this data is available at the county, state, and/or regional level.

U.S. Department of Agriculture, Forest Service. The USDA Forest Service's course 1900-03, *Social Impact Analysis: Principles and Procedures*, includes a helpful student manual. This source is available through Ecosystem Management Coordination (EMC), USDA Forest Service, but is not available online. [Yates Bldg. 3CEN, 201 14th Street, SW, Washington DC 20250; 202-205-0895]

The Human Dimensions website contains much useful information about human dimensions analysis and includes sites from which economic and demographic data can be downloaded. Source: <http://www.fs.fed.us/emc/nris/hd/> or <http://fsweb.nris.fs.fed.us/hd/software/hdmodule/index.shtml>

U.S. Department of Commerce, Bureau of the Census. Census data includes the economic characteristics of cities, towns, counties, and states, as well as a wide variety of social and demographic information such as population, age, and migration rates. The Census Bureau also presents information on county governments including financial characteristics [Website: <http://www.census.gov/>].

U.S. Department of Commerce, Bureau of Economic Analysis. Includes data for states, counties, and economic regions for such factors as personal income and employment by industry, gross state product, and more [Website: <http://www.bea.doc.gov/>].

U.S. Department of Labor, Bureau of Labor Statistics. This Federal agency collects and reports data on the labor market, including labor trends, detailed information on employment by industry, and unemployment rates. It also reports price indices such as the consumer price index and the producer price index [Website: <http://www.stats.bls.gov/>].

U.S. Department of the Interior, BLM. The BLM collects data on a wide variety of commercial uses of public lands. This data is useful for putting public land uses in the context of overall use in a planning area. Examples of the data collected include grazing use, mining, timber product sales, coal, oil and gas leases, recreation, rights of way, and payments-in-lieu-of-

taxes (PILT). To obtain this data, contact resource specialists for those uses or refer to BLM's annual Public Land Statistics publication [Website: <http://www.blm.gov/publications/>].

The Interorganizational Committee on Principles and Guidelines for Social Impact Assessment: Principles and guidelines for social impact assessment in the USA. Impact Assessment and Project Appraisal 21(3), September 2003. This document provides a clear model, as well as principles and steps for social impact assessment. [http://www.iaia.org/Members/Publications/Guidelines_Principles/US%20principles%20final%20IAPA%20version.pdf]

Local sources of data. There are many local government agencies and organizations that collect data that can be useful in land use planning. Such sources of data include state and local employment departments, city and county governments (e.g., building departments, departments of motor vehicles, or county tax assessors), local and state Chambers of Commerce, local and state economic development commissions, etc.

Resource-specific sources of data. There are many state and Federal agencies that collect and report data on specific industries, such as agriculture (farming and ranching), mining, forestry, and recreation. For agricultural data, the *USDA Economic Research Service* (Website: <http://www.ers.usda.gov/> <http://www.econ.ag.gov>) and the *National Agricultural Statistics Service* (Website: <http://www.usda.gov/nass/>) are two good sources of information. The *Economic Research Service* also conducts studies on rural conditions and trends.

The following text citations are provided as examples of possible sources for field offices:

Branch, K., et al. 1984. *Guide to Social Assessment: A Framework for Assessing Social Change*. Westview Press, Boulder, CO.

Rabel J. Burge, R.J., et al. 2004. *The Concepts, Process and Methods of Social Impact Assessment*. Social Ecology Press, Middleton, 2004.

Goldman, L.R., ed. 2000. *Social Impact Analysis: An Applied Anthropology Manual*. Berg Publishing, New York, NY.

Rosenberger, R.S., Loomis, J.B. 2000. Benefit Transfer of Outdoor Recreation Use Values: A Technical Document Supporting the Forest Service Strategic Plan. USDA-Forest Service, Rocky Mountain Research Station General Technical Report RMRS-GTR-72, Fort Collins, CO.

C. Environmental Justice References

Table D-4.—Web-based Environmental Justice sources

| | |
|--|---|
| The CEQ has prepared detailed guidance on complying with Environmental Justice objectives in the NEPA process: | “Environmental Justice: Guidance Under the National Environmental Policy Act, 1997,” available at: http://ceq.eh.doe.gov/nepa/regs/ej/justice.pdf |
| The Interagency Working Group on Environmental Justice, organized by EPA, has useful guidance and other resources: | http://www.epa.gov/compliance/environmentaljustice/interagency/index.html . |
| For assistance in identifying Tribal, minority, and low-income populations within a planning area: | “Environmental Justice Geographic Assessment Tool,” available at: http://www.epa.gov/enviro/ej/ |
| The Department of the Interior’s Office of Environmental Policy and Compliance has information on Environmental Justice policy and projects: | http://www.doi.gov/oepec/justice.html |

VII. Further Guidance

For further information on the topics in Appendix D, contact your state office social science staff, or social science staff at the Planning, Assessment, and Community Support Group, Washington Office (WO-210). Effective use of other agencies’ plans and reports, including, but not limited to local government, state agencies, and community development organizations is strongly encouraged.

A website to provide social science guidance, tools, and information resources is under development.

Appendix E: Summary of Protest and Appeal Provisions

The BLM must distinguish between land use plan and implementation decisions in all proposed RMP documents (new RMPs, revisions, or amendments) and related decisions (records of decision [ROD] and decision records [DR]), and clearly describe for the public the administrative remedies for each type of decision. The Dear Reader Letter or the Executive Summary could be used to communicate this information to the public.

I. Land Use Plan Protests

The protest procedures in 43 CFR 1610.5-2 provide the public an administrative review of the State Director's proposed land use plan decisions. The BLM Director determines through this process whether the State Director followed established procedure, considered relevant information in reaching proposed decisions, and whether the proposed decisions are consistent with BLM policy, regulation, and statute.

The Director has delegated signing of response letters to protests to the Assistant Director, Renewable Resources and Planning (AD-200). Acting in support of the Director, the Group Manager for Planning, Assessment, and Community Support (WO-210) is responsible for the oversight of the entire process once a protest is filed through final resolution. Each protest is considered in close coordination with the involved State Director and affected Washington Office groups, other Washington Office policy officials, and as appropriate, the Office of the Solicitor. The WO-210 Group Manager makes recommendations to the Assistant Director for final resolution of the protest.

It will be the BLM's goal to resolve all protests within 90 days. If it is not possible to resolve and respond to the protest(s) within 90 days, the WO-210 Group Manager should send a letter acknowledging receipt of the protest to the originating party, indicating that a more detailed response will follow. Refer to Figure 5 for a summary of the protest process.

A. Washington Office Initial Evaluation of Protests

When possible, all actions in this section will be completed within 5 business days of receipt of the protest letters:

1. ***The Protest Coordinator will establish a case file for each protest received.*** Each protest will be consecutively serialized using the following coding: PP-SO-PN-FY-#

- a) "PP" means Plan Protest,
- b) "SO" means the responsible State Office,
- c) "PN" means a plan name identifier of up to several letters,
- d) "FY" means the last two digits of the fiscal year,
- e) "#" is a sequential number assigned as the filings are received.

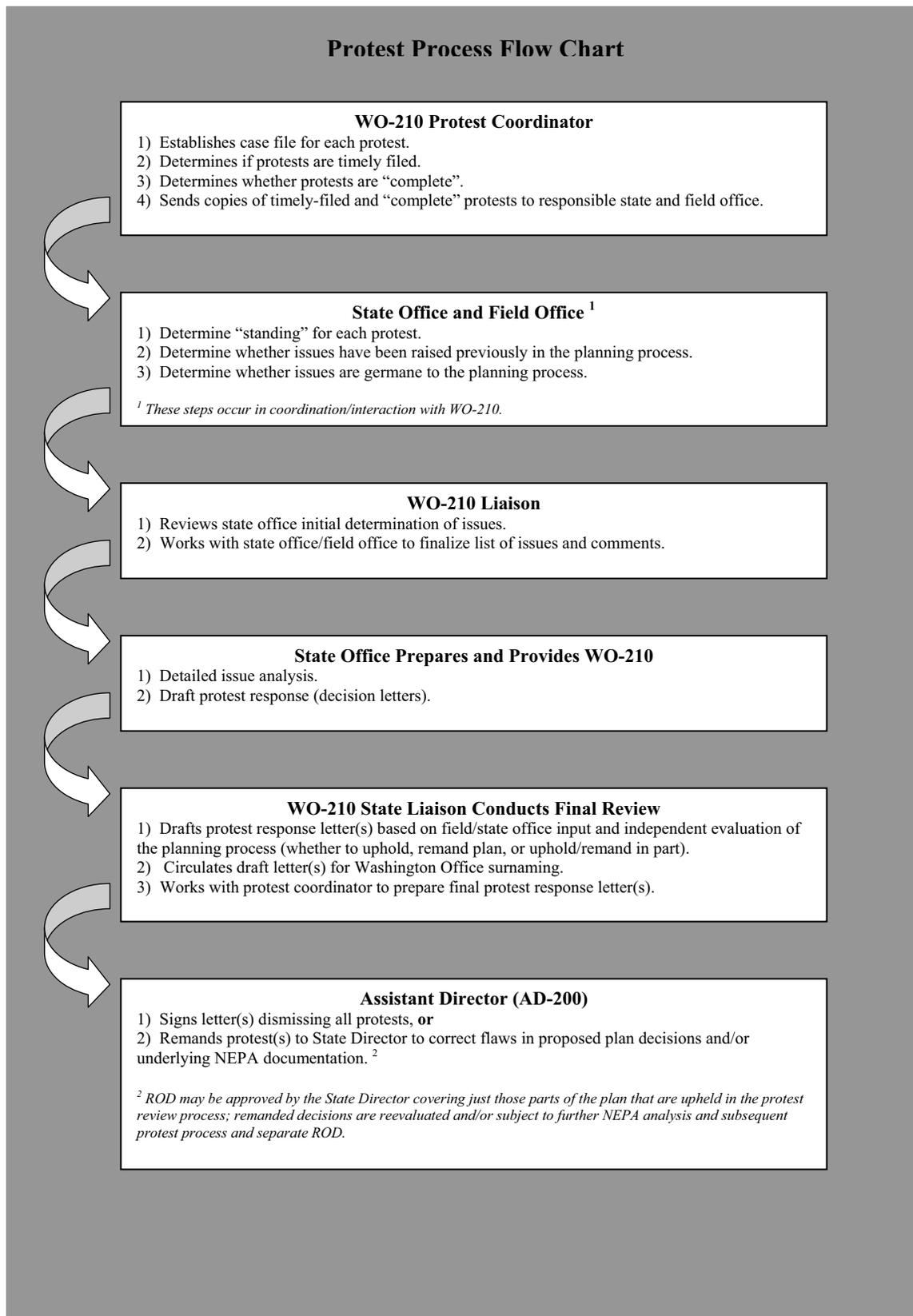


Figure 5.—Protest process flow chart

2. *The Protest Coordinator will check to ensure that each protest was filed within the protest period (see 43 CFR 1610.5-2(a)(1)).* Plan protests are deemed timely if the postmark is not later than the last day of the protest period (see Receiving, Managing, and Responding to Electronic Mail and Faxed Protests at the end of this section). Normally, BLM does not need to actually receive a protest by the end of the protest period—the protest letter must only be postmarked by that date. In certain instances, the BLM may require that protests be received by the end of the protest period. This requirement may only occur if the public is widely and officially notified (at a minimum, in the *Federal Register* notice and Dear Reader Letter). In all cases, the protest period shall be 30 days and always end on a business day. If the 30th day falls on a Saturday or Sunday, the protest period shall end the following Monday. The protest period may not be extended for any reason. Due to security screening delays, some protests may arrive in Washington, D.C., 3 weeks after the protest period ends, or later.

The following strict standards will determine timeliness:

- a) If the originator filed a protest after the protest period, the Washington Office will dismiss it and respond to the originator in writing.
- b) If the originator filed a protest timely, proceed to the next steps.
- c) The publication of the EPA’s *Federal Register* NOA starts the protest period for EIS-level plans and amendments. The initiation of the protest period for EA-level plan amendments is the publication of the notice of the amendment’s effective date (generally, this notice would be included in the Dear Reader Letter for the amendment).

3. *The Protest Coordinator will examine each protest to see if it is complete (see 43 CFR 1610.5-2(a)(2)(i)-(v)).* The term “complete” means that the following five protest components are submitted in the protest filing:

- a) The name, mailing address, telephone number, and interest of the person filing the protest;
- b) a statement of the issue or issues being protested;
- c) a statement of the part or parts of the plan or amendment being protested;
- d) a copy of all documents addressing the issue or issues that were submitted during the planning process by the protesting party or an indication of the date the issue or issues were discussed for the record; and
- e) a concise statement explaining why the State Director’s decision is believed to be wrong.

The BLM will not dismiss a protest solely because the protest omits some of the documentation required by item (3) above. If BLM is uncertain about standing (see B.1.a below) and the missing materials are necessary for BLM to make this determination, BLM shall request, in writing, the protesting party to provide the missing materials to the protest coordinator. Requested materials must be postmarked no later than 10 days after BLM's request for these materials is received by the protesting party (return receipt verified). If following BLM's request for missing materials, the protest does not meet the five protest components and if standing cannot be determined by this additional step, the protesting party will be denied standing. Case-by-case consideration will be given to appropriate actions for incomplete submissions. Minor omissions will not be used as a reason to dismiss a protest.

The requirements for filing a protest in accordance with the regulations apply to each protesting party. Merely attaching or referencing another protesting party's protest is not sufficient to qualify as a valid protest.

4. *The Protest Coordinator will forward a copy of protest letters meeting the above five components to the responsible state and field office(s) for further evaluation and a detailed analysis.* Protests that meet the requirements noted above will be forwarded to the affected state as soon as practicable rather than waiting until the end of the protest period. Washington Office liaisons should also ensure that copies of the protests are distributed to all affected Washington Office program staffs.

B. State Office Evaluation and Determination

1. The State Director and field office(s) will use the following criteria to determine the validity of the protest as documented on the "State Director's Protest Analysis" form at the end of this section:

a. Does the protesting party have standing? The protesting party must have an interest which is or may be adversely affected and must have participated in the planning process by:

1. Sending written comments;
2. making oral comments (at a hearing or meeting);
3. attending a public meeting;
4. calling the BLM field office; and/or
5. discussing the project with BLM employees in the field.

The administrative record should be checked for appropriate documentation of the protesting party's participation in order for BLM to substantiate the protesting party's standing. The responsible field office manager will review the planning records to make this determination. If the record does not support the protester's allegations of participation, the field office shall attempt to verify the alleged participation with the protesting party, giving the protester the benefit of doubt if there is a dispute. If the determination is made that no participation has occurred,

H-1601-1 — LAND USE PLANNING HANDBOOK – (Public)

no further review of the protest is required. The AD-200 will issue a written decision that dismisses the protest for lack of standing. Even though the protest is dismissed, the AD may address any comments that were raised.

Individual members of an organization do not obtain standing solely because their organization has participated in the planning process. To file a protest as an individual, the individual has to meet the requirements for standing (they must have participated in the planning process). Conversely, an organization does not obtain standing solely because one of its members has standing (an officer or official representative of the organization must have participated in the planning process on behalf of the organization in order for the organization to have standing).

b. Have the issues been raised before in the planning process? Issues raised on protest must have been previously raised for the record in the planning process. The issue does not need to have been raised specifically by the protesting party. If some of the issues were previously raised, the State Director's analysis will indicate which issues were raised previously and which are newly introduced. If the responsible state/field office determines that one or more issues have not been raised before, those issues will be treated as comments.

c. Are the issues raised germane to the planning process? An issue is not germane to the planning process if it is beyond the scope of a particular planning effort, or if it involves a matter normally addressed in plan implementation. Issues that are not germane to the planning process will not be considered as protest issues but treated as comments.

If the answers to the questions in a., b., and c. above are all *yes*, the State Director should continue the analysis starting with Step 2 below. If the answers to one or more of the questions is *no*, the State Director should complete a draft response and forward the document to the appropriate WO-210 state liaison who will complete a response that dismisses the protest wholly or in part.

2. A detailed analysis will be prepared for each issue or comment raised (see Section E, State Director's Protest Analysis) in a protest letter. The following factors must be addressed in the State Director's analysis:

- a) Facts considered;
- b) procedures followed;
- c) authorities cited;
- d) references from applicable documents; and
- e) applicable BLM policies.

When citing published data from the planning record, the document, date of publication, and page number(s) must be part of the analysis used in the response to the protest issue.

When citing material from unpublished BLM records, sufficient information must be included to show that the material existed and was relevant during the planning process.

3. The State Director will document the detailed analysis of each protest using the format in the State Director's Protest Analysis. The preparation of preliminary draft responses will expedite the protest resolution process. Other pertinent information that would help resolve the protest should also be included. Completed packages will be sent to the Group Manager, WO-210, no later than 60 days after the protest is received in the state office.
4. The State Director, in consultation with the Washington Office, may determine that discussion and negotiation with protesting parties are appropriate if these discussions may lead to resolution of one or more issues. When these discussions result in resolution of protest issues, advise the protesting party to give the Director a written notice withdrawing the protest. The protesting party may decline to withdraw the protest, but may be willing to accept a clarification or minor change to the proposed plan that effectively resolves the contested issues. This type of change must not trigger a "notice of significant change" required by 43 CFR 1610.5-1(b). For large numbers of protests or complex protests, the Washington Office may send a team to work with the state office and field office in analyzing issues and preparing draft responses.

C. Washington Office Final Review

1. WO-210 state liaisons, in coordination with the respective state/field office, will evaluate each protest for content. 43 CFR 1610.5-2(a)(2)(v) requires that protests include a "concise statement explaining why the State Director's decision is believed to be wrong." Statements that merely reflect disagreement, express opinions, or make demands or allegations without the support of this concise statement will be addressed as comments and will not cause a change in the plan being protested.
2. The Group Manager, WO-210, will prepare a draft response and decision on each protest. Decisions should have standard organization and phraseology. The decision will:
 - a) Incorporate the results of the Washington Office and State Office evaluations;
 - b) incorporate the State Office and WO-210 analyses of the protest points; and
 - c) provide a clear statement of the action taken on the protest (dismissed, denied, returned to the State Director for further consideration, or upheld in total or in part).

The bases for upholding protests include:

- a) Approval of the proposed plan or amendment would be contrary to the Director's policy guidance;

H-1601-1 — LAND USE PLANNING HANDBOOK – (Public)

- b) significant aspects of the proposed plan or amendment are based upon invalid or incomplete information; or
- c) the proposed plan or amendment does not comply with applicable laws, regulations, policies, and planning procedures.

Protests upheld on any of the three bases above will be returned, in whole or in part, to the State Director for:

- a) Clarification;
- b) further planning or consideration; or,
- c) change, in whole or in part, of the proposed management decisions.

3. As the protest responses are drafted, WO-210 will coordinate with other Washington Office program staffs. Program offices are consulted when a protest involves one or more of the following:

- a) Precedent-setting departures from the existing resource management practices;
- b) failure to comply with national policy guidance and legal requirements;
- c) a major change in the use of resources in the area covered by the plan; and/or
- d) subject areas or matters where special expertise is required.

4. The WO-210 state liaison will forward the draft proposed response(s) for surnaming to the appropriate Assistant Directors. The following strategy will be used for expediting the surnaming process:

- a) Use of staff from appropriate groups and directorates to prepare draft protest responses.
- b) WO-210 will provide “heads up” to AD-200 when draft protest responses are ready for surnaming.
- c) AD-200 will provide “heads up” at staff meetings to alert Group Managers of the availability of draft protest responses.
- d) WO-210 will provide briefings for Group Managers as needed (including Group Managers from other Directorates as needed) 2 to 3 days prior to obtaining necessary surnames. Requested changes should be substantive rather than editorial.
- e) WO-210 will conduct “working briefings” with the AD-200, Deputy Director, Chief of Staff, etc. (including Departmental staff as necessary), early in the process as possible and prior to approval of protest responses.

5. A formal surnaming package should be prepared for each protest response. The format and content of the folder should include the following:

a) Cover sheet prepared for surnaming by the following individuals:

- 1) Protest Coordinator
- 2) Author (generally the WO-210 state liaison)
- 3) Deputy Group Manager (DGM)
- 4) Group Manager (at the discretion of the DGM or author)
- 5) Washington Office Group Managers who have an interest in the EIS, plan, or issues raised in a protest
- 6) Deputy Assistant Director (DAD)
- 7) Assistant Director (AD) at the discretion of the DAD
- 8) Director (at the discretion of the AD)
- 9) Others at the discretion of the author

b) The letter of protest.

c) A Summary Brief (one or two pages) in the following format:

- 1) Background concerning the plan (or plan amendment) and the NEPA document (EA, EIS)—including what kinds of documents were prepared, when were they completed, etc.;
- 2) date the protest period closed;
- 3) requirements statement as to whether all of the NEPA, FLPMA, regulatory, and policy requirements were followed by the BLM State/Field Office;
- 4) position of constituents or other sensitivities—factual, political, litigation, etc.;
- 5) summary of the major issues in the protest and responses to issues;
- 6) recommended decision or if you are recommending remand (return) in whole or part, why and what are the circumstances;
- 7) state/field office collaboration, who you worked with in the state/field office and whether they reviewed the draft letter; and
- 8) Washington Office coordination, who you worked with in the Washington Office (make sure they are on the surnaming sheet).

Note: for large numbers of protests, the above information may be arranged in a tabular format rather than preparing individual summary briefs for each protest.

d) Response letter.

H-1601-1 — LAND USE PLANNING HANDBOOK – (Public)

These are typical responses to protests where the State Director's proposed decision is being upheld. Protests where the State Director's proposed decision is being returned in whole or in part, or the boilerplate paragraphs below do not fit the protest, will require a different response.

1) Standard Paragraphs

Each letter of response should contain the following paragraphs:

Paragraph 1: "The Bureau of Land Management (BLM) has carefully reviewed and considered your letter dated [insert date], regarding the [insert name of plan]. As the Assistant Director for Renewable Resources and Planning, I am responsible to the BLM Director for reviewing and resolving all protests of BLM land use plans. The purpose of this letter is to inform you of the results of my review."

Paragraph 2: For protests that are determined to be invalid because the protesting party does not have standing:

"As outlined in the Dear Reader Letter for the proposed plan, the planning regulations at 43 CFR 1610.5-2 outline the requirements for filing a valid protest. I find that you do not meet these requirements because you have not participated in the planning process or you do not have an interest that is or may be adversely affected. Therefore, I am dismissing the protest." *(Optional: Even though your protest is being dismissed, you provided a comment(s), which is (are) addressed below.)*

For protests that are determined to be invalid because they were filed after the protest period:

"As outlined in the Dear Reader Letter for the proposed plan, the planning regulations at 43 CFR 1610.5-2 outline the requirements for filing a valid protest. I find that you do not meet these requirements because your letter was not filed by the required date. The regulations at 43 CFR 1610.5-2 do not allow for an extension of the protest period for any reason. Therefore, I am dismissing the protest." *(Optional: Even though your protest is being dismissed, you provided a comment(s), which is (are) addressed below.)*

For protests that are determined to be invalid because they were filed electronically or by fax and not followed with an original letter:

"As outlined in the Dear Reader letter for the proposed plan, the planning regulations at 43 CFR 1610.5-2 outline the requirements for filing a valid protest. I find that you do not meet these requirements because your letter was filed electronically (or by fax) and you did not provide the original

H-1601-1 — LAND USE PLANNING HANDBOOK – (Public)

letter by the close of the protest period. Therefore, I am dismissing the protest." (*Optional:* Even though your protest is being dismissed, you provided a comment(s), which is (are) addressed below.)

For all protests that contain only issues:

“As outlined in the Dear Reader Letter for the proposed plan, the planning regulations at 43 CFR 1610.5-2 outline the requirements for filing a valid protest. I find that you meet these requirements. Your protest issue(s) is (are) addressed below.”

For protests that contain both issues and comments:

“As outlined in the Dear Reader Letter for the proposed plan, the planning regulations at 43 CFR 1610.5-2 outline the requirements for filing a valid protest. I find that you meet these requirements, in part, and therefore portions of your protest letter are considered a valid protest. I have determined that your letter also contained a comment(s) which is (are) not considered a valid protest issue(s) because . . .” (*Explain why:* “the comment(s) represent opinions or observations not substantiated with a concise statement of why the State Director’s proposed decision is believed to be wrong, contains issues not previously raised in the planning process, or the issues you raised are not germane to the planning process”, etc.). “The issue(s) and comment(s) are addressed below.”

For protests that contain only comments:

“As outlined in the Dear Reader Letter for the proposed plan, the planning regulations at 43 CFR 1610.5-2 outline the requirements for filing a valid protest. I find that you do not meet these requirements because . . .” (*see above*). “Therefore, your protest is not valid and is hereby dismissed.” (*Optional:* Even though your protest is being dismissed, your letter contained a comment(s). That (those) comment(s) is (are) addressed below.)

2) Issues Identified by the Protesting Party

In the response letters, issues should be addressed within separate paragraphs for the issue and response, in the same order as in the submitted protest letter. Issues should be quoted wherever possible. Where issues cannot reasonably be quoted (e.g., they are long, rambling or contain material not pertinent to the issues), they should be clearly summarized. It is sufficient to have some issues summarized and others quoted. The statement of the issue must capture all pertinent points addressed in the response. If comments are addressed (optional), they

H-1601-1 — LAND USE PLANNING HANDBOOK – (Public)

should be addressed at the end of the response letter. Use the following format for addressing issues and comments:

Issue/Comment #:

Response:

Protest response letters should clearly document whether BLM followed the correct procedures in arriving at the proposed decision(s). Authors should identify any regulatory basis for responding to a protesting party's assertion. Do not argue or be defensive in the response. BLM's response to each issue should cite page numbers, where possible, in the NEPA document that specifically relate to the issue or comment and not rely solely on what was said in meetings or derived from notes, files, or phone calls. Focus on what was in writing or in the formal planning process.

3) Comments

If comments are addressed (optional) they are addressed in the same manner as protest issues. The response letter must clearly identify why comments are not treated as protest issues, either in the opening paragraphs of the letter or the response to the comment. If comments that are part of a valid protest are not addressed, they should be responded to separately by the state or field office.

Letters addressed to the protest coordinator stating "this is not a letter of protest" should be forwarded to the respective state office. A letter should be sent to the sender from WO-210, informing the sender that BLM has forwarded the letter to the respective state office for consideration as a comment.

4) Standard Paragraphs after the Issues

Decision: For protests in which the State Director's proposed decision is being upheld (protests in which the decision is being returned, in whole or in part, will require a different response):

"After careful review of your protest letter, I conclude that the BLM [insert state] State Director and the [insert field office] field office manager followed the applicable planning procedures, laws, regulations, and policies and considered all relevant resource information and public input in developing the [insert name of plan] proposed RMP/amendment/final EIS. There is no basis for changing the Proposed RMP/amendment as a result of your protest."

“This decision is the final decision of the Department of the Interior on your protest letter (43 CFR 1610.5-2(b)). The Interior Board of Land Appeals (IBLA) does not hear appeals from a decision by the Director of the BLM on protests concerning RMPs. Any party to a case who is adversely affected by a decision of a BLM official to implement some portion of an RMP may appeal such action to the IBLA at the time the action is implemented.”

“Thank you for your participation (if the protest is being dismissed for lack of standing, substitute “interest” for “participation”) in the development of the [insert name of plan] proposed RMP/amendment/final EIS, and for your interest in the public lands. Land use plans are designed to balance the public demands for various land uses while ensuring appropriate levels of resource protection. While there may be times when BLM cannot meet the needs of all those interested in the public lands, BLM strives to address all public input in a conscientious manner. I encourage you to remain actively (for protests being dismissed for lack of standing, substitute “become” for “remain actively”) involved in BLM’s resource management activities and to provide information and input during the implementation of the plan. If you have any questions, or wish to further discuss any issues regarding the plan, please call [insert name], field office manager, [insert phone number].”

When the revised draft response is surnamed, the WO-210 state liaison and the Protest Coordinator will finalize each protest response and prepare a letter for signature by the Assistant Director (AD), WO-200.

Once the AD has signed the protest response, the Protest Coordinator will send it to the protesting party by certified mail, return receipt requested. A copy will also be sent to the appropriate State Director and Field Manager(s). The State Director may sign the land use plan decision document only after all protest response letters have been signed and mailed, and any other requirements for approval have been met.

Portions of the proposed plan not under protest or remanded for reconsideration may be approved and implemented. In such cases, the state office should consult with the Washington Office for further direction.

If the proposed decision and its supporting analysis are returned in whole or in part to the State Director, WO-210 will negotiate the necessary follow-up with the affected state and field office.

D. Receiving, Managing, and Responding to Electronic Mail and Faxed Protests

All protest letters sent to BLM via facsimile (fax) or electronic mail (e-mail) will be considered invalid protests unless a properly filed protest is also submitted. BLM will refer to such correspondence as “comments” and respond accordingly. If the protesting party also provides

the original signed copy of the protest postmarked by the close of the protest period, then the fax and/or e-mail correspondence will be considered an advance copy of the protest. Advance copies of protests provide BLM an indication of the number of protests that will come in after the close of the protest period.

The planning regulations (43 CFR 1610.5-2) require that all protests must be in writing. “Electronic signatures” for certain types of correspondence are now recognized where systems have been established and mechanisms are in place to enable the affected parties to verify the authenticity of the electronic signature. Such systems and mechanisms are not in place for BLM protest procedures. Consequently, BLM requires protests be sent to the protest coordinator via regular mail or other delivery service.

New standard language regarding e-mail and fax protests to include in the Agency’s *Federal Register* NOA and in the Dear Reader Letter is provided below:

“E-mail and faxed protests will not be accepted as valid protests unless the protesting party also provides the original letter by either regular mail or other delivery service postmarked by the close of the protest period. Under these conditions, BLM will consider the e-mail or faxed protest as an advance copy and it will receive full consideration. If you wish to provide BLM with such advance notification, please direct faxed protests to the attention of the BLM protest coordinator at [insert phone number], and e-mails to [insert e-mail address].”

E. State Director’s Protest Analysis

When citing published data from the planning record, the state/field office must provide the document, date of publication, and page number(s).

State Office Analysis For Protest Number:

- 1) Plan Name:
- 2) Closing Date for Protest:
- 3) Name of Individual or Organization:
- 4) State Office Evaluation Results:
 - a. After review of all planning records, the protesting party has standing through participation in some phase of the planning process (check one)?
Yes [] No [] (The protesting party must also show an interest that is or may be adversely affected.)
 - b. Have the issues raised in the protest been raised before by the protesting party or another party in some phase of the planning process (check one)?
Yes [] No [] (Indicate from the identified list of issues those not raised during the planning process with an X.)

c. Are the issues raised in the protest germane to the planning effort (check one)?
 Yes [] No [] (Indicate with an X from the list of identified issues those that are not germane and why.)

5. List of Issues Raised:
6. State Office Detailed Analysis of Identified Issues:
7. State Office Detailed Analysis of Identified Comments:
8. State Office Recommendations or Opportunities for Resolution:

II. Governor's Consistency Review Appeal Process

The planning regulations in 43 CFR 1610.3-2(e) allow a state Governor an opportunity to appeal to the BLM Director if the BLM State Director does not accept the Governor's recommendations on plan consistency.

Prior to approval of a proposed plan, revision, or amendment, the BLM State Director will submit the proposed plan, revision, or amendment to the Governor(s) of the state(s) involved and identify any known inconsistencies with approved state or local plans, policies, or programs. The Governor has 60 days to identify inconsistencies and to provide written recommendations to the BLM State Director. If the BLM State Director does not accept a Governor's recommendations, the BLM State Director must notify the Governor in writing; the Governor then has 30 days from receipt of the State Director's letter in which to submit a written appeal to the BLM Director.

The BLM Director will accept the Governor's recommendations if the Director determines that the recommendations provide for a reasonable balance between the national interest and the state's interest. The Director must communicate to the Governor in writing and publish in the *Federal Register* the reasons for accepting or rejecting the Governor's recommendations.

III. Administrative Remedies of Implementation Decisions

Implementation decisions are subject to the administrative remedies set forth in the regulations that apply to each resource management program of the BLM. These administrative remedies for final implementation decisions usually take the form of appeals to the Office of Hearings and Appeals, though for certain proposed or non-final implementation decisions, including those affecting timber sales, oil and gas lease sales, land exchanges, and proposed grazing decisions, the regulations provide for an internal agency review (usually a protest to the authorized officer) which must be completed before the final implementation decision can be appealed to the Office of Hearings and Appeals (OHA). This type of protest to the authorized officer should not be confused with the protest of land use plan decisions to the BLM Director (there is no OHA review of land use planning decisions).

Appendix F: Standard Formats for Land Use Plan Documents***Appendix F-1: Recommended Format for Preparation Plans***

Preparation plans should contain the following information and discrete sections.

A. Introduction and Background**B. Anticipated Planning Issues and Management Concerns**

Issues are identified by BLM staff and managers based on their knowledge of the planning area and its users. Planning issues may be based on:

- 1) Contacts or correspondence with users, adjoining districts or field offices, and interested public (including other agencies).
- 2) Ongoing consultation, advisory council meetings, interagency and intergovernmental coordination, and informal sessions with users and interested public. Preplanning does not involve public notices or public participation activities since they are specifically provided for in the RMP and NEPA processes and key preplanning results are publicly reviewed during scoping.
- 3) Staff and management knowledge of resource uses, users, conditions, needs, and trends.

Management concerns are generally of a program-specific nature, and while they may not be externally generated or controversial, deserve the appropriate level of consideration in the planning process.

C. Preliminary Planning Criteria

Planning criteria are the constraints or ground rules that guide and direct the development of the plan. They ensure that plans are tailored to the identified issues and ensure that unnecessary data collection and analyses are avoided. They focus on the decisions to be made in the plan and achieve the following:

- 1) Provide an early, tentative basis for inventory and data collection needs.
- 2) Enable the manager and staff to develop a preliminary planning base map delineating geographic analysis units.
- 3) Stimulate the development of planning criteria during public participation.

D. Data and GIS Needs, Including Data Inventory

Managers of planning efforts are encouraged to use existing data compiled by other Federal agencies; state, local, and Tribal governments; and private organizations, if applicable, to address assessment questions. Data compiled by other agencies which are used in BLM land use plans should be consistent across administrative boundaries and landscapes, where available. Regardless of its source, sufficient metadata (data about data) should be provided to clearly determine the quality of the data, along with any limitations associated with its use. To define the information required to support each individual planning effort, each preparation plan should:

- 1) Create a list of currently available data (list by theme, data elements, and explain how that data will support the plan in dealing with anticipated issues and planning requirements).
- 2) Identify the anticipated data gaps in available data required to deal with the anticipated issues, as well as the planning and analysis requirements.
- 3) Create a realistic data inventory and collection strategy (including work months, personnel involved, costs and timeframes involved) for acquiring critically needed data and information.

See Appendix G for more information on managing data and information throughout the planning process.

E. Participants in the Process

- 1) Describe and list roles, responsibilities, and authorities.
- 2) Provide team lists (including management team, core team, interdisciplinary, and support teams).

F. Process for the Plan

- 1) General steps and format.
- 2) Alternative formulation: Identify preliminary plan alternative themes that focus on resolving anticipated issues and reflect the preliminary planning criteria.
- 3) Internal review of the plan.
- 4) Form of input from the interdisciplinary team and reviewers.

G. Plan Preparation Schedule

The schedule provides estimated timeframes for the completion of the required plan components. It identifies:

H-1601-1 — LAND USE PLANNING HANDBOOK – (Public)

- 1) All planning actions (43 CFR 1610.4) and support actions expected to be done either consecutively or concurrently.
- 2) Target completion dates for each action.
- 3) Time periods needed for preparation and award of contracts, if any, and preparation costs required for use in the budget process.

H. Public Participation Plan

The public participation plan is to be prepared as a part of the preparation plan. Every effort should be made to assure meaningful public involvement throughout the planning process. This includes:

- 1) Goals and objectives of public participation.
- 2) A description of the public known to be interested or affected and any contributions they may make or information they may need during the planning process and the involvement techniques most appropriate (including involvement of cooperating agencies).
- 3) Target dates and other pertinent details for public participation activities, notices, and availability of printed information.
- 4) Provisions for updating the plan, as necessary, during plan preparation.
- 5) A description of how the results of public participation activities will be summarized, analyzed, documented, and used by the line manager in making decisions in the plan.
- 6) Internet technology that will be used to provide information to the public and/or solicit comments.

I. Budget

The budget includes all costs associated with development of the plan including, data needs collection, contracting costs, BLM staff work months, *Federal Register* notices, vehicle, travel, and support costs. It should address the level of program sources funding provided by the field or state office, as well as increased funding needs.

Appendix F-2: Recommended Format for Scoping Reports

The following is a suggested format for field offices to prepare scoping reports to achieve a common and consistent approach that meets minimum requirements. It is recognized that some situations (for example scoping reports dealing with an unusually large number of comments) may require additional content and detail. Documents should be as brief, concise, and user-friendly as possible. Authority for the scoping report can be found at 43 CFR 1610.2(d).

A. Cover Letter

Optional; signed by field office manager.

B. Introduction

- a) Overview/purpose and need for the plan (tie to planning evaluation)
- b) Brief description of the planning area (including a map)
- c) Brief description of the scoping process (NOI history, meetings, contacts, etc.)
- d) Cooperating agencies/invitees
- e) Collaboration and consultation with Tribes

C. Issue Summary

- a) Summary of public comments
- b) Issues identified during scoping
- c) Anticipated decisions to be made
- d) Issues raised that will not be addressed (including rationale)
- e) Valid existing management to be carried forward
- f) Special designations, including nominations

D. Draft Planning Criteria

Include if not previously published in initial notice; otherwise incorporate by reference.

E. Data Summary/Data Gaps

Include if not previously published in initial notice; otherwise incorporate by reference.

- a) Refer to more detailed lists in preparation plan or elsewhere (state that these are available upon request)
- b) Identify any relevant data provided or identified as available during scoping
- c) List data gaps identified during scoping

F. Summary of Future Steps in the Planning Process

Identify planning process timelines and opportunities for public participation (including webpage address and key contact address and information, etc.)

Appendix F-3: Annotated Outline of the Analysis of the Management Situation

The analysis of the management situation (AMS) should describe the current conditions and trends of the resources and the uses/activities in the planning area in sufficient detail to create a framework from which to resolve the planning issues through the development of alternatives. This analysis should be short, concise, and focused on the issues relevant to resource management in the area. It should not be an exhaustive review of everything known about the area.

CHAPTER 1. INTRODUCTION**A. Purpose of Analysis of the Management Situation**

Describe the role of the AMS in the planning process.

B. General Description of Planning Area, Geographic Scope, and Resources/Programs**C. Key Findings**

Summary of the most important conclusions drawn from the AMS.

CHAPTER 2. AREA PROFILE

This chapter describes the existing condition of the resources, resource uses, and other features of the planning area (i.e., area profile). It should provide a context for resources and uses by incorporating information compiled at multiple levels to describe the large-scale ecoregions associated with the planning area. The information will become the basis for the Affected Environment chapter of the RMP/EIS. Table F-1 shows the components of the area profile (not necessarily all-inclusive).

Table F-1.—Area profile

| Resources | Resource uses | Special designations | Social and economic |
|---|---|--|--|
| <ul style="list-style-type: none"> ▪ Air quality ▪ Geology ▪ Soil resources ▪ Water resources (surface and groundwater) ▪ Vegetative communities ¹ ▪ Fish and wildlife ▪ Special status species ▪ Wild horse and burros ▪ Wildland fire ecology and management ▪ Cultural resources ▪ Paleontological resources ▪ Visual resources ▪ Wilderness characteristics ▪ Cave and karst resources | <ul style="list-style-type: none"> ▪ Facilities ▪ Forestry and woodland products ▪ Livestock grazing ▪ Minerals (leasable, locatable, salable) ▪ Recreation ▪ Renewable energy ▪ Transportation and access ▪ Utility corridors and communication sites ▪ Land tenure ▪ Land use authorizations ▪ Withdrawals | <ul style="list-style-type: none"> ▪ Areas of critical environmental concern ▪ Back country byways ▪ National recreation areas ▪ National trails ▪ Wild and scenic rivers ▪ Wilderness ▪ Wilderness study areas | <ul style="list-style-type: none"> ▪ Tribal interests ▪ Public safety (abandoned mines, debris flows, and hazardous materials) ▪ Social and economic conditions |
| ¹ Vegetative communities can be identified at a variety of scales and include forests, woodlands, rangelands, riparian areas, and wetlands. | | | |

A. Resources

The Resources section should have both an introduction common to all resources and a section specific to each resource. The information presented in the introduction should help the planning team relate the resources in the planning area to the regional setting, and define the current condition and key features of those resources. It should also help the team highlight potential management opportunities in Chapter 4 of the AMS by addressing the regional importance and function of resources within the planning area.

1. Regional Context:

Different agencies and organizations have compiled geospatial datasets for large-scale ecoregions such as the Wyoming Basin and the Colorado Plateau. Ecoregions of this scale range in size from 3.5 million acres to 88 million acres (averaging 23 million acres). Most planning areas will fall into one or two ecoregions, depending on the scale at which they were developed. Planning boundaries may overlap ecoregional boundaries, so it is important for planning areas to coordinate in collecting and sharing information.

These large-scale geospatial datasets provide broad-level biological information that complements local planning efforts by identifying dominant patterns on the landscape and threats to resources. Other existing fine and midscale data (e.g., state and Heritage programs, BLM-led assessments such as Land Health Assessments, Recovery Plans, and Conservation Strategies) used in combination with broad scale information can provide a complete picture of current conditions and key features of the resources (definitions for broad, mid, and fine scale data are provided in the Glossary). For example, BLM-led Land Health Assessments contain information on upland, riparian, and stream channel condition that can be used to refine ecoregion conditions from larger datasets. Use multiscale information to complete Table F-2.

Table F-2.—Ecoregion/Planning Area Information

| Information about the ecoregion | Information about the planning area as it relates to the ecoregion |
|--|--|
| Size and general geographic location. | <ul style="list-style-type: none"> ▪ Orientation of the planning area within the ecoregion. ▪ Percent of the ecoregion that (1) all lands in the planning area cover and (2) BLM lands in the planning area cover. |
| Overall ecoregion condition (past versus present) and major issues affecting function and resource trends (i.e., fire suppression, habitat fragmentation, and invasive species). | <ul style="list-style-type: none"> ▪ The overall condition of the BLM lands relative to the condition of the ecoregion. ▪ Information relative to how current land use allocations and management BLM lands might be contributing to or helping to alleviate the major ecological issues of the ecoregion. |
| Features of the ecoregion that are unique or are particularly important to ecological condition (e.g., large blocks of grasslands or sagebrush). | <ul style="list-style-type: none"> ▪ The extent to which the planning area or portions within it may be ecologically important to maintaining ecosystem function.¹ |

¹ This information may not be available depending on the source of ecoregion information used.

2. Resource-specific information

The AMS should include resource-specific information organized by the following five factors:

a. Indicators. Identify factors that describe resource condition such as ambient pollutant level, visibility, and fire regime condition class. Indicators should be quantitative whenever possible. There are many potential sources for indicators, including Standards for Rangeland Health.

b. Current Condition. Describe the location, extent, and current condition of the resource in the planning area. Condition can be determined by comparing the value of indicator(s) to an established standard (current plan goal or objective) and/or benchmark. Relate the condition assessment to Land Health Standards as appropriate. The scale of the analysis may extend beyond the immediate planning area boundary and encompass a logical landscape (the analysis area). For instance, the analysis can occur at different levels such as by watershed, geographic area, or region.

c. Trends. Describe the degree and direction of change between the present and some point in the past. Explain whether the trend is moving toward or away from the current desired condition based on the indicators. Also describe the drivers or agents of change. Note that for some resources, a desired condition has not been established or there will not be enough information to describe trends. When describing trends, note whether the trend is based on quantitative or qualitative information. For example, the trend for ambient pollutant levels most likely can be described from a quantitative standpoint; that is, based on changes in levels of criteria pollutants over time as recorded in published data. For other resources where data are not available, a qualitative approach would be used.

d. Forecast. Predict changes in the condition of resources given current management. Describe the drivers or agents of the anticipated change.

e. Key features. Describe the geographic location, distribution, areas or types of resource features that should guide land use allocation or management decisions. For example, certain areas may be particularly important to special status species habitat, or some soil types may be better able to support certain land uses than others.

B. Resource Uses

For each resource use, describe the following:

- 1) Current level (including potential) and locations of use (map each use).
- 2) Forecast, or the anticipated demand for use (levels and locations)—the reasonable foreseeable development.
- 3) Key features, or the areas of high potential for the use (these areas do not necessarily have to be currently managed for the use).

C. Special Designations

Identify the location of existing special designations such as ACECs, wilderness areas, wilderness study areas, wild and scenic rivers, and other applicable designations. Also identify areas meeting the relevance and importance criteria to be considered as potential ACECs or potentially eligible river segments, etc.

D. Social and Economic Features

Listed below are the topics to describe for each of the social and economic features.

- Tribal interests—Identify the Tribes with interests in the planning area. Describe features not otherwise described in the cultural resources section, such as treaty-based subsistence uses, traditional use areas, and rights of access.
- Public safety (abandoned mines, debris flows, and hazardous materials)—Identify areas where public safety is an issue.
- Social and economic conditions—See Appendix D.

CHAPTER 3. CURRENT MANAGEMENT DIRECTION

This chapter describes current management direction based on existing land use plans and amendments by program (and later becomes the basis for the no action alternative). Provide a list of management decisions and their sources for each resource or resource use. Identify management decisions from all applicable BLM plans (RMPs, MFPs, and amendments for planning-level decisions). Note that some resources will not have any management decisions established.

A. Relevant Plans and Amendments

The list of management decisions should be drawn from all applicable BLM plans (RMPs and amendments). List all plans and amendments that influence current management. This list can be displayed in a table such as the one below:

Table F-3.—Sample format for list of relevant plans and amendments

| Document title | Year | Other relevant information | Administrative record document number |
|----------------|------|----------------------------|---------------------------------------|
| | | | |

B. Management Decisions

Describe all management decisions that will become the no action alternative in the draft RMP. Table F-4 is a recommended format.

Table F-4.—Current management for resources, resource uses, and social and economic features

| Current management decision | Planning decision number | Decision source | Status |
|---|--|--|---|
| Insert decision title and/or description. | Insert decision number or other identifier if known. | Insert source document for the decision, such as: Lower Gila South RMP | Insert the status of the decision: whether it was completed and when, progress if not completed, etc. |

To the extent possible, document decisions by logical management units or zones. Special management areas (special designations) would be included in this manner. Types of special management areas include ACECs, back country byways, national recreation areas, national trails, wild and scenic rivers, wilderness, and wilderness study areas.

CHAPTER 4. MANAGEMENT OPPORTUNITIES

Identifying management opportunities is a process of considering changes in management to respond to (a) information gathered in the area profile (Chapter 2) and (b) issues and concerns elevated through scoping. It serves as a starting point for alternative formulation by providing a list of possible management opportunities for later sorting and refining into a framework of compatible alternatives. Consult Appendix C as a guide to the program-specific land use plan decisions that should be made as part of the planning process when identifying management opportunities.

A. Analyze the Ability of Current Management Direction to Achieve Desired Conditions and Address Resource Demands

Based on the current condition and trends of the resources and the current and trends of demands on those resources, analyze the ability of current management direction to achieve desired conditions and address resources and demands for use of the resources. Discuss field office(s) capability in terms of staff, annual budget, summary of workload ranked by subactivity and/or program elements.

While discussing the management adequacy of each decision, also discuss options for changing the management if the decision does not adequately respond to current issues, changes in circumstances, new information, etc.

Fill out Table F-5 for each resource, resource use, special management area and social and economic feature. Notice that the table is similar to Table G-4 in Chapter 3(B), which describes the management decisions.

Table F-5.—Adequacy of current management direction and options for change

| Planning decision | Is decision responsive to current issues? | Remarks (rationale) | Options for change |
|---|--|---|--|
| Insert decision title and/or description. | (Y/N) | Describe why the decision is/is not adequate. | Insert options for changing management. As appropriate, include decisions from other jurisdictions that warrant consideration. |

B. Identify Areas of Relative Ecological Importance to Guide Land Uses and Management

Identifying areas of relative ecological importance enables planners to understand tradeoffs when establishing land use allocations and management requirements. Regional knowledge, gained through broad scale assessments, can highlight the importance of an area in the context of the larger ecoregion. This information is fundamental to developing a range of alternatives and analyzing the effects of the alternatives in the RMP/EIS, and to managing for “the health, diversity, and productivity of the public lands.”

Understanding relative ecological importance should guide land use allocations and management approaches, rather than preclude uses. For example, this information should feed into alternative development by helping to identify opportunities for maintenance and/or restoration of habitats. Note that relative ecological importance may change over time with new information and changes in land uses and condition.

When assembling information on relative ecological importance, focus on dominant patterns across the ecoregion, and on habitat extent, habitat condition, species connectivity requirements

and overall plant and animal species diversity within the planning area. There are many ways to assemble this information. One way is to create maps using information and datasets collected for both the ecoregion or for the preparation of the area profile and AMS. This approach is described in Figure G-1, and can be applied using a geographic information system (GIS) or transparencies.

CHAPTER 5. CONSISTENCY/COORDINATION WITH OTHER PLANS

Identify plans in areas surrounding the planning area and discuss the implications for the planning area from these plans. Identify resources that are in common, dependent, or interdependent.

- 1) County/city plans
- 2) State Comprehensive Wildlife Conservation Strategies and State lands plans
- 3) Other Federal agency plans (including fire planning units)

Identify significant opportunities for enhancing coordination or gaining expertise through cooperating agency relationships.

CHAPTER 6. SPECIFIC MANDATES AND AUTHORITY

All resource specialists should provide a description of laws, regulations, and policy applicable to their resources. Information on Federal, state, local, as well as BLM policy should be included.

CHAPTER 7. SCOPING REPORT OR SUMMARY OF SCOPING REPORT

CHAPTER 8. LIST OF PREPARERS

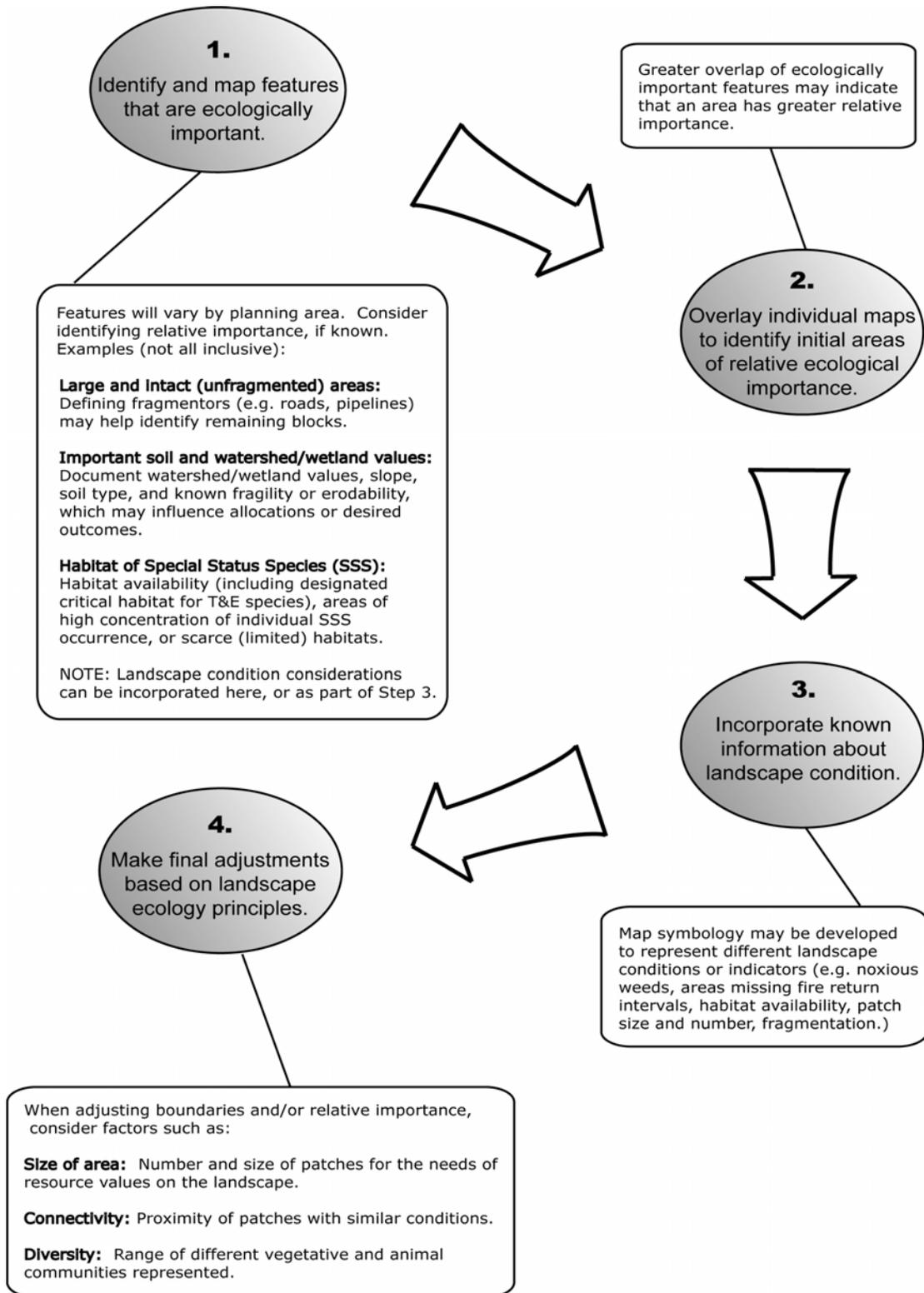
Provide the following information for each person working on the project: name, responsibility, qualifications, and participation.

CHAPTER 9. GLOSSARY

CHAPTER 10. REFERENCES

Provide references for each resource section according to the format noted in the project work plan. All references should be included and complete reference information should be submitted with each resource section.

Figure F-1.—One potential method for identifying areas of relative ecological importance



Appendix F-4: Annotated Outline for a Draft and Final RMP (Amendment)/EIS

The following outline applies to draft and full text final EISs. If minor changes consisting of technical, editorial, or nonsubstantive factual corrections are made in the draft EIS in response to comments, then an abbreviated final EIS may be prepared. An abbreviated final EIS only contains substantive comments received on the draft, responses to those comments, and an errata section with specific modifications and corrections to the draft EIS in response to comments (see 40 CFR 1503.4).

Contractor logos should not be placed anywhere in the documents (although it is recommended that the role of the contractor be acknowledged in the list of preparers in Chapter 5).

1. **Abstract** (*Inside front cover*)
2. **Cover sheet** *or title page*
3. **Dear Reader Letter** (*include privacy statement*)
4. **Protest procedures** (*final EIS*)
5. **Table of contents**
6. **Summary** (*approximately 15 pages*)

(*Optional Reader's Guide to help explain chapter format and contents*)

7. **Chapter 1. Introduction** (*approximately 5–10 pages*)
 - A. **Purpose and Need for the Plan**
 - B. **Planning Area and Map**
 - C. **Scoping/Issues**
 1. **Issues Addressed**
 - a. *Issues used to develop alternatives*¹
 - b. *Issues addressed in other parts of the EIS*
 2. **Issues Considered but Not Further Analyzed**
 - a. *Issues beyond the scope of the plan*
 - b. *Issues addressed through administrative or policy action*
 - D. **Planning Criteria/Legislative Constraints**
 - E. **Planning Process**

¹ Italics here show optional categories for issues.

H-1601-1 — LAND USE PLANNING HANDBOOK – (Public)

1. Relationship to BLM Policies, Plans, and Programs
2. Collaboration
 - a. Intergovernmental, inter-agency, and Tribal relationships
 - b. Other stakeholder relationships

F. Related Plans: *Discuss consideration of state, local, and Tribal land use plans that “are germane in the development of land use plans for public lands.”*²

G. Policy: *Discuss policies and decisions that existed prior to the plan being written that are outside the scope of the plan but may influence the decisions, constrain the alternatives, or are needed to understand management of the area. Examples include: proclamations, legislative designations, and court settlements.*

H. Overall Vision:³ *Identify the overall vision for management of the planning area. This vision should reflect the goals that are common to all alternatives. This can serve to help integrate programs.*

8. Chapter 2. Alternatives⁴

A. General Description of each Alternative: *Highlight the characteristics that distinguish each alternative. Rather than naming alternatives, number or letter each alternative and briefly describe the theme of each alternative.*

B. Management Common to All Alternatives: *Primarily goals for resource conditions and resource uses.*

C. No-Action Alternative: *Description of existing management direction including current decisions from relevant plans and reasonable, foreseeable, management scenarios.*

D. Action Alternatives:⁵ *Detailed description of each of the alternatives, by alternative, needed to display a reasonable range of options to meet the stated Purpose and Need and address issues. Each alternative description should address the issues or programmatic areas. The decisions in the alternatives should follow the format for land use plan “Management Decisions” provided in Appendix F-5.*

² Federal Land Policy and Management Act, Section 202(c)(9).

³ Optional.

⁴ There has been some discussion of reversing the order of the Alternatives and Affected Environment chapters of the EIS. However, the Office of Environmental Policy and Compliance in the Department of the Interior has issued guidance stating that we must follow the recommended format in the CEQ regulations (40 CFR 1502.10) or obtain approval from OEPC to deviate from it.

⁵ At the draft stage in the preparation of an EIS, the preferred alternative is identified in Chapter 2 of the draft EIS. At the final EIS stage, the proposed plan is presented with the alternatives. The proposed plan should be in a clearly delineated section to make it easily identifiable and may also be pulled out as a separate document.

E. Alternatives Considered but Not Analyzed in Detail

F. Comparison of Alternatives (table)

G. Comparison of Impacts (table)

9. Chapter 3. Affected Environment (keep as short and concise as possible): Limit discussion to what is needed to understand issues and environmental consequences and provide context for the Goals and Objectives. This chapter may also be formatted in the same way as the Area Profile section of the Analysis of the Management Situation (See Appendix F-3).

A. Resources: Physical, biological, and cultural resources (current conditions and trends). This is not necessarily a comprehensive list.

1. Air Quality
2. Geology
3. Soil Resources
4. Water Resources
5. Vegetative Communities
 - a. Forests and Woodlands
 - b. Rangelands
 - c. Riparian and Wetlands
6. Fish and Wildlife
7. Special Status Species
8. Wild Horses and Burros
9. Wildland Fire Ecology and Management
10. Cultural Resources
11. Paleontological Resources
12. Visual Resources
13. Wilderness Characteristics
14. Cave and Karst Resources

B. Resource Uses: Resource uses (current conditions and trends). This is not necessarily a comprehensive list.

1. Facilities
2. Forestry and Woodland Products
3. Livestock Grazing
4. Minerals
 - a. Leasable Minerals (e.g. oil, gas, and geothermal)
 - b. Locatable Minerals (e.g. gold and silver)
 - c. Salable Minerals (e.g. sand and gravel)
5. Recreation
6. Renewable Energy
7. Transportation and Access
8. Utility Corridors and Communication Sites

H-1601-1 — LAND USE PLANNING HANDBOOK – (Public)

9. Land Tenure
10. Land Use Authorizations
11. Withdrawals

C. Special Designations

1. Areas of Critical Environmental Concern
2. Back Country Byways
3. National Recreation Areas
4. National Trails
5. Wild and Scenic Rivers
6. Wilderness
7. Wilderness Study Areas

D. Social and Economic

1. Tribal Interests
2. Public Safety
 - a. Abandoned Mines
 - b. Debris Flows
 - c. Hazardous Materials
3. Social and Economic Conditions (including Environmental Justice and other considerations)

10. Chapter 4. Environmental Consequences. *Document sufficient analysis to support all conclusions. This chapter may also be formatted in the same way as the Area Profile section of the Analysis of the Management Situation (See Appendix F-3.)*

A. Introduction

1. Analytical assumptions (reasonably foreseeable development scenarios for oil and gas, anticipated levels of vegetation treatment, etc.)
2. Types of effects to be addressed (direct, indirect, and cumulative)
3. Summarize critical elements that are addressed, not affected, or not present
4. Incomplete or unavailable information

For program areas, include discussions as outlined in 40 CFR 1502.16 for the alternatives by program area listed below.

B. Resources: *Physical and biological resources addressed in alphabetical order. This is not necessarily a comprehensive list.*

1. Air Quality
2. Cave and Karst Resources
3. Cultural Resources
4. Fish and Wildlife

5. Geology
6. Paleontological Resources
7. Soil Resources
8. Special Status Species
9. Vegetative Communities
 - a. Forests and Woodlands
 - b. Rangelands
 - c. Riparian and Wetlands
10. Visual Resources
11. Water Resources
12. Wild Horses and Burros
13. Wilderness Characteristics
14. Wildland Fire Ecology and Management

C. Resource Uses: *Resource uses addressed in alphabetical order. This is not necessarily a comprehensive list.*

1. Facilities
2. Forestry and Woodland Products
3. Land Tenure
4. Land Use Authorizations
5. Livestock Grazing
6. Minerals
 - a. Leasable Minerals (e.g. oil, gas, and geothermal)
 - b. Locatable Minerals (e.g. gold and silver)
 - c. Salable Minerals (e.g. sand and gravel)
7. Recreation
8. Renewable Energy
9. Transportation and Access
10. Utility Corridors and Communication Sites
11. Withdrawals

D. Special Designations

1. Areas of Critical Environmental Concern
2. Back Country Byways
3. National Recreation Areas
4. National Trails
5. Wild and Scenic Rivers
6. Wilderness
7. Wilderness Study Areas

E. Social and Economic

1. Tribal Interests
2. Public Safety

H-1601-1 — LAND USE PLANNING HANDBOOK – (Public)

- a. Abandoned Mines
- b. Debris Flows
- c. Hazardous Materials

3. Social and Economic Conditions (including Environmental Justice and other considerations)

11. Chapter 5. Consultation and Coordination

A. Description of specific actions taken to consult and coordinate with:

1. Tribes
2. Intergovernmental (State, Local, County, and City)
3. Federal Agency
4. Interest Groups
5. National Mailing List

B. Describe additional collaboration

C. Responses to comments by issue area (FEIS only)

D. List of Preparers

12. Appendices

13. Glossary

14. References

15. Index

16. Abbreviations/Acronyms (inside back cover): *Placement can also occur with the Reader's Guide, Summary, or in the Glossary.*

Appendix F-5: Annotated Outline for Record of Decision (ROD)/Approved RMP (Amendment)

At the end of the protest period on the final EIS and proposed plan and after protests are resolved, the ROD⁶ is issued. The ROD must be published in the same document with and reference the land use plan (proposed plan from the final EIS as modified in response to protests or other considerations between the final EIS and issuance of the ROD). The ROD/RMP serves as a more concise and useful tool to land managers and stakeholders than a cumbersome EIS. Separation of the approved RMP from the final EIS and attaching it to the ROD clarifies the different roles served by a plan and the supporting NEPA analysis. Additionally a stand-alone ROD/RMP will improve internal agency and partner understanding of the plan and improve our long-term ability to implement the plan.

I. Record of Decision (ROD)

A. Introductory Material: *(on a cover sheet or at the top of the first page)*

- 1) Title
- 2) Preparing office and office location
- 3) Cooperating agencies (if any)
- 4) Signature and title of responsible official and concurring officials (if any) ⁷
- 5) Date of signature(s)

B. Summary: *(if ROD exceeds 10 pages)*

C. Decision: *The primary decision is to approve the attached land use plan.* ⁸

D. Alternatives: *Briefly discuss the alternative or alternatives that were considered to be “environmentally preferable.”*⁹

E. Management Considerations: *Provide the rationale for the decision.*

F. Mitigation Measures: *In addition to identifying approved mitigation measures, state whether all practicable means to avoid or minimize environmental harm from the alternative*

⁶ The format for the ROD can be found in the NEPA handbook (H-1790-1), Chapter V, pages V-22 to V-23.

⁷ Signatures and date of signatures can occur at end of ROD.

⁸ Example: “The decision is hereby made to approve the attached plan as the resource management plan (Plan) for [insert title]. This Plan was prepared under the regulations implementing the Federal Land Policy and Management Act of 1976 (43 CFR 1600). An environmental impact statement was prepared for this Plan in compliance with the National Environmental Policy Act (NEPA) of 1969. The Plan is nearly identical to the one set forth in the [insert title] Proposed Resource Management Plan and Final Environmental Impact Statement published [insert here]. Specific management decisions for public lands under the jurisdiction of the [insert here] Field Office are presented in Chapter [insert] of the plan. Major decisions include: [insert here].

⁹ See 40 CFR 1505.2(b).

*selected have been adopted, and if not, why. Summarize any monitoring and enforcement program being adopted for mitigation measures.*¹⁰

G. Plan Monitoring:

H. Public Involvement: *Briefly describe public participation in planning process.*

II. Approved Resource Management Plan

A. Introduction.¹¹

1. Purpose and Need for the Plan

2. Planning Area and Map

3. Scoping/Issues

a. Issues Addressed

- i) Issues used to develop alternatives¹²
- ii) Issues addressed in other parts of the EIS

b. Issues Considered but Not Further Analyzed

- i) Issues beyond the scope of the plan
- ii) Issues addressed through administrative or policy action

4. Planning Criteria/Legislative Constraints

5. Planning Process

a. Relationship to BLM Policies, Plans, and Programs

b. Collaboration

- i) Intergovernmental, inter-agency, and Tribal relationships
- ii) Other stakeholder relationships

6. Related Plans: *Discuss consideration of state, local, and Tribal land use plans that “are germane in the development of land use plans for public lands.”*¹³

7. Policy: *Discuss policies and decisions that existed prior to the plan being written that are outside the scope of the plan but may influence the decisions, constrain the alternatives, or are needed to understand management of the area. Examples include: proclamations, legislative designations, and court settlements.*

¹⁰ See 40 CFR 1505.2(c).

¹¹ This introduction section is optional material for the land use plan document.

¹² Italics here show optional categories for issues.

¹³ Federal Land Policy and Management Act, Section 202(c)(9).

8. **Overall Vision:**¹⁴ *Identify the overall vision for management of the planning area. This vision should reflect the goals that are common to all alternatives. This can serve to help integrate programs.*

B. Management Decisions.¹⁵ *List management decisions by issue or programmatic area, making clear how decisions in one issue or programmatic area may affect others.*

1. **Goals:**¹⁶ *Identify goals for resource conditions, resource uses, and other goals as appropriate.*

2. **Objectives:**¹⁷ *Identify objectives with their rationale (include associated goal[s]). Reference which goals are advanced by the objective.*

3. **Management Actions:** *Make these adaptive as appropriate and practical. Relate each decision to all goals and objectives impacted. This section should address special designations and land tenure decisions.*

a. *Allowable uses:* This should include allowable uses, restricted uses, and prohibited uses. Incorporate maps where appropriate.

b. *Actions:* Management measures that will guide future and day-to-day activities. Project design features, stipulations, best management practices, standard operating procedures, and guidelines should be included in this section as well.

c. *Implementation decisions:* Include any implementation decisions (see appropriate guidance for distinction) related to particular land use planning decisions.

4. **Monitoring (and adaptive management if applicable):** *Describe plans for monitoring to assess progress toward meeting goals and objectives. If appropriate, discuss plans of action if monitoring indicates actions are not meeting goals and objectives or if actions are no longer needed.*

C. Public Involvement. *Describe how the public and partners can be involved in implementation.*

D. Management Plan Implementation. *To the extent practical and appropriate, identify priorities and costs of the management program. Costs should be estimated at a scale that is*

¹⁴ Optional.

¹⁵ The format of this section is designed to (a) clarify the distinction between goals, objectives, and management actions; (b) move toward (or demonstrate) objectives and management decisions that will work toward meeting multiple goals; (c) demonstrate the connectivity between programs; and (d) reduce conflicts internal to the document.

¹⁶ Goals are broad statements of desired outcomes; and usually not quantifiable.

¹⁷ Objectives are specific desired conditions; usually quantifiable and measurable and may have timeframes for achievement.

useful for budgeting (thousands of dollars and whole work months). It may be useful to identify priorities into two groups: one time projects and ongoing tasks.

E. Plan Evaluation/Adaptive Management. *Identify a tentative schedule for land use plan evaluations and the management actions that could be taken after an evaluation.*

F. Appendices

***Appendix F-6: Recommended Administrative Record File Plan
for Land Use Planning Projects***

For draft EISs, final EISs, and records of decision (ROD)

A. General Information

- 1) *Federal Register* Notices
- 2) Issues, Concerns, Opportunities
- 3) Planning Criteria
- 4) Interdisciplinary Team (IDT) Membership
- 5) Project Schedules
- 6) Preparation Plan

B. Public Information and Involvement

- 1) Public Involvement Plans
- 2) Public Information Documents, Letters, Notices
- 3) Mailing Lists
- 4) News Reports and Clippings
- 5) General Correspondence
- 6) Meetings/Workshops
- 7) Public Comments: *Scoping*
- 8) Public Comments: *prior to draft EIS*
- 9) Public Comments: *draft EIS*
- 10) Protests and Final EIS Comment Letters Received
- 11) Protest Responses
- 12) Governor's Consistency Review Comments/Response (if any)

C. External Communications

- 1) Other Federal Agencies
- 2) Cooperating Agencies
- 3) Tribes
- 4) State Agencies
- 5) Local Agencies
- 6) Elected Officials
- 7) Organizations
- 8) Individuals
- 9) Freedom of Information Act (FOIA) Requests and Responses (FOIA officer is responsible for maintaining these files)

D. Internal Communications

- 1) Project Management Correspondence
- 2) IDT Correspondence

- 3) IDT Meeting Agendas and Notes
- 4) FOIA Exempt Documents
- 5) Quality Assurance Determination

E. Materials (Background/Supporting) Used to Develop Planning Documents (Draft EIS, Final EIS, ROD)

- 1) Introduction
- 2) Alternatives
- 3) Affected Environment
- 4) Environmental Consequences
- 5) Appendices

F. Data Used in Support of Planning Decisions

- 1) Planning Data
- 2) Data Standards
- 3) Metadata

G. References

H. Planning Documents

- 1) Scoping Report
- 2) Analysis of the Management Situation
- 3) Draft EIS
- 4) Final EIS
- 5) ROD/Approved RMP

Appendix G: Managing and Applying Data and Information

A successful land use planning effort always employs rigorous standards for maintaining, managing, and applying data and derived information. Standardized, accurate, and reliable data and information are critical to the development of plan assessments, alternatives, impact analyses, and planning decisions. All data used in supporting planning decisions are considered corporate data. Corporate data are those data and applications that are exchanged across administrative units, shared with the public, used repetitively through time, and applied in decision-making.

The data and resultant information for a land use plan must be carefully managed, documented, and applied to withstand public, scientific, and legal scrutiny, and at the same time, facilitate the efficient development and operation of the Bureau's mapping and data management systems such as GIS. For these reasons, the corporate data used in plans require a high level of consistency, standardization, and established quality control procedures.

I. Metadata Standards and Requirements

Metadata is the term used to describe the content, quality, condition, and other characteristics of data. By Executive order, geospatial data used by the Bureau must be: (1) accompanied by metadata in the format set forth by the Federal Geographic Data Committee and (2) be accessible to all interested parties. The BLM also requires that non-spatial planning data must be accompanied by Federal Geographic Data Committee-compliant metadata.

In developing a plan, a distinction must be made between new data and existing data. New data includes both raw data and derived information or products such as new GIS themes, or applying new analyses or modeling methods. New data may be collected by BLM or contractors, or it may be acquired from external sources. For additional information on metadata requirements, metadata fields, and standards, refer to the BLM Data Administration Handbook (H-1283) and the BLM Intranet through the IRM Data Management website. The site contains information on project contacts and assistance, frequently asked questions, guidelines and directives, a data standards reference library, data quality, and a data management toolkit.

II. Identifying Data Needs for a Land Use Plan

Data collection and management are significant costs when developing a land use plan. Data needs are collectively determined by planning criteria, management concerns, and issues. It is important to start identifying data needs at the inception of a planning project through the development of the preparation plan. The BLM planning project manager must identify existing data and information sources, and determine what additional data must be collected. A table of information should be prepared by the planning project manager and planning team which describes the specific data required to answer planning questions associated with the plan, along with the availability and status of the data. The table will reveal data deficiencies and identify strategies to obtain missing or incomplete data or information.

III. Data Sources

Managers of planning efforts are encouraged to use existing data compiled by Tribes, Federal, state, and local government agencies, and other entities where appropriate to fulfill planning data needs. Data partnerships are also encouraged to reduce costs and to achieve data standardization across jurisdictional boundaries.

Regardless of the sources used, all metadata should be documented to identify the quality of the data, along with its limitations for application. When data or information is extracted from an outside source, the development and maintenance of the material is the responsibility of the outside entity. However, the data or information that is actually used by BLM in a plan must be treated as BLM corporate data. Project planners and planning teams also should always judiciously validate all data sources for accuracy, reliability, and limitations. At the very least, outside data and information sources will usually require reformatting, which should be taken into account in terms of project costs and time.

IV. Managing Data During Land Use Plan Development

Planning data should be stored and maintained for easy access to planning team members and to ensure that the team is using the same data and information. At a minimum, data should be updated and archived at the stages of the management situation analysis, issuance of the draft plan or amendment, issuance of the proposed plan, and the final product approved through the ROD. Throughout the duration of a planning project, it is also important for the project planner, planning team, and GIS-data management staff to routinely check on the quality, consistency, and accuracy of the data that is being managed, analyzed, and displayed.

With the increased emphasis on collaborative planning, there is an additional need to make data available to interested publics, both during and upon completion of a plan or plan amendment. Under the Bureau-wide e-Planning Initiative, continued efforts will help bring the BLM land use planning process into an electronic business climate, reduce planning costs, and allow better public access to decision making. In the interim, access to planning data may be made available through BLM's state websites or through distribution by CDs or hard copies of a planning document.

Although individual land use plans will have their own specific data requirements, some base mapping themes are common to all planning efforts. For example, the Public Land Survey System landnet, land status, and administrative/jurisdictional boundaries are base themes needed to define the geographic extent of a given planning area. Other themes such as topography, transportation, vegetation, soils, hydrography, and cultural features are also common to most analyses.

Maintaining high-quality geospatial data supports the planning process as well as a variety of other needs. With regular updating and maintenance, the same geospatial data that supports the development of plans can be instrumental for plan implementation, monitoring, and periodic assessments.

V. Integrating Data Application and Display

The availability of appropriate analytical models and tools to apply and display data is important. Quality data that is inappropriately applied has the same disastrous effect as using poor or erroneous data. A geographic information system (GIS) provides the essential tools to bring data together at various scales and formats for spatial analysis and display, usually through maps and accompanying charts and tables. Spatial models, such as those used to predict erosion loss or to determine areas suitable or unsuitable for various uses, also allow data to be applied in addressing planning and management issues.

At the beginning of a land use planning project, it is important for the project planner to work with the GIS support staff, and identify and agree on how data and information will be integrated into the development of different displays. This includes, for example, determining the desired sets of map products that will be used in a hard copy version of a plan, public exhibits, website postings, press releases, and public notices. This avoids unnecessary production costs by planning ahead, identifies potential data-display technical problems at the inception of a project, and streamlines and ensures the development of standardized data sets and the display of data.

BLM

National Environmental Policy Act

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TABLE OF CONTENTS

HANDBOOK USER'S GUIDE IX

CHAPTER 1—NEPA BASICS1

1.1 INTRODUCTION TO THE NEPA1

1.2 DEPARTMENTAL GUIDANCE AND THIS BLM HANDBOOK.....2

1.3 DOCUMENTS USED TO MEET NEPA REQUIREMENTS2

1.4 THE NEPA APPROACH3

CHAPTER 2—ACTIONS EXEMPT FROM THE NEPA AND EMERGENCY ACTIONS9

2.1 CONGRESSIONALLY EXEMPT ACTIONS9

 2.1.1 CERCLA.....9

2.2 ACTIONS MANDATED BY STATUTE.....9

2.3 EMERGENCY ACTIONS10

 2.3.1 *Types of Emergency Actions*10

 2.3.2 *Procedures for Emergency Actions*.....11

 2.3.2.1 Wildfire Suppression Actions11

 2.3.2.2 Emergency Actions other than Wildfire Suppression.....11

CHAPTER 3—ACTIONS REQUIRING NEPA COMPLIANCE.....13

3.1 DETERMINING WHEN THE NEPA APPLIES.....13

3.2 PROPOSALS ORIGINATING WITHIN THE BLM13

 3.2.1 *Policies and Rulemaking*.....14

 3.2.2 *Land Use Plan (LUP) Development*.....15

3.3 PROPOSALS SUBMITTED TO THE BLM BY OTHER ENTITIES.....15

 3.3.1 *Proposals for the BLM to Fund Actions*.....15

 3.3.2 *Proposals Involving Mineral Estate*.....16

CHAPTER 4—CATEGORICAL EXCLUSIONS.....17

4.1 CATEGORICAL EXCLUSIONS ESTABLISHED BY THE ENERGY POLICY ACT.....17

4.2. CATEGORICAL EXCLUSIONS ESTABLISHED BY THE DEPARTMENT OF THE INTERIOR OR THE BLM.....18

 4.2.1 *Identifying Potential Categorical Exclusions*.....18

 4.2.2 *Determining if an Extraordinary Circumstance Precludes Use of a Categorical Exclusion*.....19

 4.2.3 *Documentation Requirements*19

 4.2.3.1 Documentation Requirements When Using Hazardous Fuels and Post-Fire Rehabilitation CXs19

 4.2.3.2 Documentation Requirements When Using CXs Not Established by Statute20

CHAPTER 5—USING EXISTING ENVIRONMENTAL ANALYSES21

5.1 DETERMINATION OF NEPA ADEQUACY22

 5.1.1 *Identifying Existing Environmental Documents*.....22

 5.1.2 *Reviewing Existing Environmental Documents*.....23

 5.1.3 *Document the Review*.....24

 5.1.4 *FONSIs, Decisions, Protests, and Appeals*25

5.2 INCORPORATION BY REFERENCE AND TIERING25

 5.2.1 *Incorporation by Reference*.....26

 5.2.2 *Tiering*.....27

5.3 SUPPLEMENTING AN EIS.....29

 5.3.1 *When Supplementation is Appropriate*.....29

 5.3.2 *When Supplementation is Not Appropriate*.....30

 5.3.3 *The Supplementation Process*31

5.4 ADOPTING ANOTHER AGENCY'S NEPA ANALYSES31

 5.4.1 *Adopting Another Agency's EIS*31

 5.4.2 *Adopting Another Agency's EA*32

CHAPTER 6—NEPA ANALYSIS.....33

6.1 OUTLINE OF ANALYTICAL STEPS33

6.2 PURPOSE AND NEED35

 6.2.1 *The Role of the Purpose and Need Statement*36

 6.2.2 *The Decision to be Made*.....36

6.3 SCOPING38

 6.3.1 *Internal Scoping*39

 6.3.2 *External Scoping*39

6.4 ISSUES40

 6.4.1 *Identifying Issues for Analysis*.....41

 6.4.2 *Issues Not Analyzed*.....42

6.5 PROPOSED ACTION42

 6.5.1 *Description of the Proposed Action*43

 6.5.1.1 *Design Features of the Proposed Action*44

 6.5.2 *Defining the Scope of Analysis of the Proposed Action*44

 6.5.2.1 *Connected Actions*.....45

 6.5.2.2 *Cumulative Actions*.....48

 6.5.2.3 *Similar Actions*49

6.6 ALTERNATIVES DEVELOPMENT49

 6.6.1 *Reasonable Alternatives*.....49

 6.6.1.1 *Developing Alternatives Under The Healthy Forests Restoration Act*.....51

 6.6.2 *No Action Alternative*51

 6.6.3 *Alternatives Considered but Eliminated From Detailed Analysis*.....52

6.7 AFFECTED ENVIRONMENT AND USE OF RELEVANT DATA53

 6.7.1 *Affected Environment*.....53

 6.7.2 *Use of Relevant Data*53

6.8 ENVIRONMENTAL EFFECTS54

 6.8.1 *Effects Analysis*54

 6.8.1.1 *Defining Environmental Effects*.....54

 6.8.1.2 *Analyzing Effects*.....55

 6.8.2 *Direct and Indirect Effects*56

 6.8.3 *Cumulative Effects*57

 6.8.3.1 *Cumulative Effects Issues*57

 6.8.3.2 *Geographic Scope of the Cumulative Effects Analysis*.....58

 6.8.3.3 *Timeframe of the Cumulative Effects Analysis*58

 6.8.3.4 *Past, Present, and Reasonably Foreseeable Actions*58

 6.8.3.5 *Analyzing the Cumulative Effects*.....59

 6.8.4 *Mitigation and Residual Effects*61

6.9 PUBLIC INVOLVEMENT AND RESPONDING TO COMMENTS.....62

 6.9.1 *Involving and Notifying the Public*.....63

 6.9.2 *Comments*.....65

 6.9.2.1 *Substantive Comments*.....65

 6.9.2.2 *Comment Response*.....66

CHAPTER 7 — DETERMINING WHETHER AN EA OR EIS IS APPROPRIATE69

7.1 ACTIONS REQUIRING AN EA.....69

7.2 ACTIONS REQUIRING AN EIS69

7.3 SIGNIFICANCE.....70

CHAPTER 8—PREPARING AN ENVIRONMENTAL ASSESSMENT75

8.1 PREPARING TO WRITE AN ENVIRONMENTAL ASSESSMENT (EA).....75

8.2 PUBLIC INVOLVEMENT76

8.3 EA FORMAT77

 8.3.1 *Introduction*.....77

 8.3.2 *Purpose and Need for Action and Decision to be Made*77

 8.3.3 *Scoping and Issues*78

| | | |
|--|---|-----------|
| 8.3.4 | <i>Proposed Action and Alternatives</i> | 78 |
| 8.3.4.1 | Description of the Proposed Action | 78 |
| 8.3.4.2 | Alternatives in an EA | 79 |
| 8.3.4.2.1 | Alternatives Considered but Eliminated from Detailed Analysis..... | 80 |
| 8.3.4.3 | Conformance..... | 81 |
| 8.3.5 | <i>Affected Environment</i> | 81 |
| 8.3.6 | <i>Environmental Effects</i> | 81 |
| 8.3.7 | <i>Tribes, Individuals, Organizations, or Agencies Consulted</i> | 82 |
| 8.3.8 | <i>List of Preparers</i> | 82 |
| 8.4 | DETERMINATION OF SIGNIFICANCE..... | 82 |
| 8.4.1 | <i>Significant Impacts -Transitioning from an EA to an EIS</i> | 82 |
| 8.4.2 | <i>The Finding of No Significant Impact (FONSI)</i> | 83 |
| 8.5 | THE DECISION RECORD..... | 84 |
| 8.5.1 | <i>Documenting the Decision</i> | 84 |
| 8.5.2 | <i>Terminating the EA Process</i> | 86 |
| 8.6 | IMPLEMENTATION..... | 86 |
| CHAPTER 9—PREPARING AN ENVIRONMENTAL IMPACT STATEMENT | | 87 |
| 9.1 | PREPARING TO WRITE AN EIS..... | 87 |
| 9.1.1 | <i>Develop Preparation Plan</i> | 87 |
| 9.1.1.1 | Develop Strategy for Public Involvement and Interagency/Intergovernmental..... | 88 |
| | Coordination and Consultation | 88 |
| 9.1.2 | <i>Publish the Notice of Intent</i> | 88 |
| 9.1.3 | <i>Scoping</i> | 89 |
| 9.2 | EIS FORMAT..... | 91 |
| 9.2.1 | <i>Cover Sheet</i> | 92 |
| 9.2.2 | <i>“Dear Reader” Letter</i> | 92 |
| 9.2.3 | <i>Summary</i> | 92 |
| 9.2.4 | <i>Table of Contents</i> | 92 |
| 9.2.5 | <i>Chapter 1—Introduction</i> | 93 |
| 9.2.6 | <i>Issues</i> | 93 |
| 9.2.7 | <i>Chapter 2—Proposed Action and Alternatives</i> | 93 |
| 9.2.7.1 | Reasonable Alternatives for an EIS | 94 |
| 9.2.7.2 | Features Common to All Alternatives..... | 94 |
| 9.2.7.3 | Agency Preferred Alternative..... | 95 |
| 9.2.8 | <i>Chapter 3—Affected Environment</i> | 96 |
| 9.2.9 | <i>Chapter 4—Environmental Effects</i> | 96 |
| 9.2.10 | <i>Chapter 5 - Consultation and Coordination</i> | 97 |
| 9.2.10.1 | Public Involvement and Scoping..... | 98 |
| 9.2.10.2 | List of Preparers | 98 |
| 9.2.11 | <i>Other Material</i> | 98 |
| 9.3 | ISSUING THE DRAFT EIS..... | 99 |
| 9.3.1 | <i>File with the EPA</i> | 99 |
| 9.3.2 | <i>Notify the Public and Government Agencies of the Availability of the Draft EIS fo r Review and Comment</i> | 99 |
| 9.3.3 | <i>Distribute the Draft EIS</i> | 100 |
| 9.3.4 | <i>Public Meetings and Hearings</i> | 100 |
| 9.4 | THE FINAL EIS..... | 101 |
| 9.4.1 | <i>Abbreviated Final EIS</i> | 101 |
| 9.4.2 | <i>Full Text Final EIS</i> | 101 |
| 9.5 | SUPPLEMENTS TO DRAFT AND FINAL EISS | 101 |
| 9.6 | ISSUING THE FINAL EIS | 102 |
| 9.6.1 | <i>Comments Received Following Issue of the Final EIS</i> | 102 |
| 9.7 | ISSUING THE RECORD OF DECISION | 102 |
| 9.7.1 | <i>ROD Format</i> | 103 |

9.8 TERMINATING THE EIS PROCESS 104

CHAPTER 10—MONITORING 105

10.1 PURPOSES OF AND REQUIREMENTS FOR MONITORING 105

10.2 DEVELOPING A MONITORING PLAN OR STRATEGY 106

10.3 IMPLEMENTING MONITORING 107

CHAPTER 11—AGENCY REVIEW OF ENVIRONMENTAL IMPACT STATEMENTS 109

11.1 OBTAINING COMMENTS ON YOUR EIS 109

11.2 COMMENTING ON ANOTHER FEDERAL AGENCY’S EIS 109

CHAPTER 12—COOPERATING AGENCIES, JOINT LEAD AGENCIES, AND ADVISORY COMMITTEES 111

12.1 COOPERATING AGENCY STATUS IN DEVELOPMENT OF NEPA DOCUMENTS 111

 12.1.1 *When Another Agency is Cooperating in Preparation of a NEPA Analysis Document with the BLM as a Lead* 112

 12.1.2 *When the BLM is Cooperating in Preparation of a NEPA Analysis Document With Another Agency as Lead* 112

 12.1.3 *Deciding Whether to be a Cooperating Agency* 113

 12.1.4 *Procedures for Working as a Cooperating Agency* 113

12.2 JOINT LEAD AGENCIES IN DEVELOPMENT OF NEPA DOCUMENTS 113

12.3 WORKING WITH ADVISORY COMMITTEES AND THE FEDERAL ADVISORY COMMITTEE ACT 114

 12.3.1 *Guidance for Meeting With Groups* 115

 12.3.2 *Alternatives to Chartered Groups* 116

CHAPTER 13—ADMINISTRATIVE PROCEDURES 117

13.1 PUBLISHING NOTICES IN THE *FEDERAL REGISTER* 117

 13.1.1 *Procedures for Publishing Notices in the Federal Register* 117

 13.1.1.1 Publication Requirements 118

 13.1.1.2 Typing and Format Requirements 119

 13.1.1.3 Submission Requirements 119

 13.1.1.4 Publication Date 120

13.2 PRINTING EISS 120

13.3 FILING EISS WITH THE EPA 120

 13.3.1 *Significance of EPA Publication Dates* 121

 13.3.2 *Procedures for Filing with the EPA* 121

13.4 RECORDKEEPING PROCEDURES 122

 13.4.1 Environmental Documents and Supporting Records—The Administrative Record 122

 13.4.2 *Other Environmental Records* 123

13.5 CONTRACTING NEPA WORK 124

CHAPTER 14—ADAPTIVE MANAGEMENT 127

GLOSSARY129

ACRONYMS137

APPENDIX 1 SUPPLEMENTAL AUTHORITIES TO BE CONSIDERED.....139

APPENDIX 2 USING CATEGORICAL EXCLUSIONS ESTABLISHED BY THE ENERGY POLICY ACT OF 2005141

APPENDIX 3 DEPARTMENTAL CATEGORICAL EXCLUSIONS.....145

APPENDIX 4 BLM CATEGORICAL EXCLUSIONS147

APPENDIX 5 CATEGORICAL EXCLUSIONS: EXTRAORDINARY CIRCUMSTANCES155

APPENDIX 6 CATEGORICAL EXCLUSION DOCUMENTATION FORMAT WHEN USING CATEGORICAL EXCLUSIONS NOT ESTABLISHED BY STATUTE.....157

APPENDIX 7 DOCUMENTATION REQUIREMENTS FOR HAZARDOUS FUELS ACTIONS AND POST-FIRE REHABILITATION ACTIONS159

APPENDIX 8 WORKSHEET DETERMINATION OF NEPA ADEQUACY (DNA)161

APPENDIX 9 RECOMMENDED EA FORMAT.....165

APPENDIX 10 ITEMS TO INCLUDE IN THE ADMINISTRATIVE RECORD167

APPENDIX 11 FEDERAL REGISTER ILLUSTRATIONS.....169

FIGURES

[FIGURE 1.1 NEPA SCREENING PROCESS](#).....5

[FIGURE 1.2 SCREENING FOR LAND USE PLAN CONFORMANCE](#)7

[FIGURE 6.1 THE NEPA PROCESS](#)34

[FIGURE 6.2 DESIGN FEATURES AND MITIGATION MEASURES](#).....44

[FIGURE 8.1 EA PROCESS](#)86

[FIGURE 9.1 THE EIS PROCESS](#).....91

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HANDBOOK USER'S GUIDE

The purpose of this Bureau of Land Management (BLM) Manual Handbook (H-1790-1) is to help us comply with the National Environmental Policy Act (NEPA), the Council on Environmental Quality's (CEQ) NEPA regulations (40 CFR Parts 1500–1508) and the Department of the Interior NEPA manual. "We" (BLM) have written it for use by "you," the reader involved in the NEPA process. The "NEPA process" means all measures necessary for compliance with the requirements of the Purpose (section 2 of the Act) and the Congressional Declaration of National Environmental Policy (Title 1 of the Act). Meeting our NEPA compliance responsibilities requires help from all levels of our agency, including decision-makers, program managers, specialists, interdisciplinary team members, and BLM contractors.

The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment (40 CFR 1500.1(c)). Early chapters in this Handbook address the legal requirements and our analytical approach to complying with the NEPA. We then explain content requirements of specific types of NEPA compliance documents.

Following the introductory material in Chapter 1, Chapters 2 through 5 address the procedural determinations of whether a NEPA analysis is necessary and, if so, the degree to which it may be already covered in an existing NEPA document. Chapter 6 identifies the essential analytical elements that are common to NEPA analysis, regardless of whether you are preparing an Environmental Assessment or an Environmental Impact Statement. Chapters 7 through 9 help you identify whether an Environmental Assessment or Environmental Impact Statement is needed, and describe the various sections of these documents. The remaining Chapters 11 through 15 address monitoring, cooperating agencies, working with advisory committees, administrative procedures, and adaptive management.

A requirement to meet NEPA compliance is that we encourage and facilitate public involvement in decisions which affect the quality of the human environment (40 CFR 1500.2(d)). Information relating to public participation in the NEPA process is contained primarily in Chapters 6, 8, 9, and 12.

To assist you in carrying out your NEPA responsibilities, this Handbook includes references to documents contained in the BLM NEPA Handbook Web Guide (Web Guide). The Web Guide includes copies of official guidance, such as CEQ citations, and provides examples for your use in complying with the NEPA. For example, an interdisciplinary team preparing an EIS with tribal or county cooperators can review a number of sample memorandums of understanding (MOUs) written to identify the responsibilities of cooperating agency status. These MOUs serve as models, although they are not official guidance. The Web Guide also contains excerpts of BLM NEPA documents. Other materials include helpful ideas, tools, and techniques for making the NEPA process more efficient and effective and for adding clarity to the NEPA documents. References to the Web Guide are shown in this Handbook in blue text.

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CHAPTER 1—NEPA BASICS

General

- 1.1 Introduction to the NEPA
- 1.2 Departmental Guidance and this Handbook
- 1.3 Documents Used to Meet NEPA Requirements
- 1.4 The NEPA Approach
- 1.5 Conformance with the Existing Land Use Plan
- 1.6 Consistency with Other Authorities

GENERAL

This chapter provides an overview of the National Environmental Policy Act (NEPA) and related direction which is pertinent to the Bureau of Land Management (BLM) planning and decision-making process.

1.1 INTRODUCTION TO THE NEPA

The [National Environmental Policy Act](#) was passed by Congress in 1969 and signed into law on January 1, 1970. This legislation established a landmark national environmental policy which, among other things, encourages environmental protection and informed decision-making. It provides the means to carry out these goals by:

- mandating that every Federal agency prepare a detailed statement of the effects of “major Federal actions significantly affecting the quality of the human environment.”
- establishing the need for agencies to consider alternatives to those actions.
- requiring the use of an interdisciplinary process in developing alternatives and analyzing environmental effects.
- requiring that each agency consult with and obtain comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved.
- requiring that detailed statements and the comments and views of the appropriate Federal, State, tribal, and local agencies be made available to the public.

The stated purpose of the NEPA and the mission of the BLM are fully compatible. Our mission is to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations. This closely mirrors BLM's multiple use and sustained yield mandates under the [Federal Land Policy and Management Act](#). The NEPA declares that the Federal government's continuing policy is to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations of Americans.

In addition to setting policy goals for environmental planning, the NEPA created the Council on Environmental Quality (CEQ), in the Executive Office of the President, to be the “caretaker” of the NEPA. The CEQ issued final regulations for [Implementing the Procedural Provisions of NEPA \(40 CFR 1500–1508\)](#) in 1978 (revised in 1986), and added to them in 1981 with a guidance document titled [“Forty Most Asked Questions Concerning CEQ’s NEPA Regulations.”](#) The NEPA and the CEQ regulations establish procedures to ensure proper consideration of environmental concerns, but they do not dictate a particular result or decision. The CEQ regulations also require that agencies “make diligent efforts to involve the public in preparing and implementing their NEPA procedures” ([40 CFR 1506.6\(a\)](#)).

1.2 DEPARTMENTAL GUIDANCE AND THIS BLM HANDBOOK

The Department of the Interior’s (DOI) NEPA policy is found in the [Departmental Manual \(DM\) Part 516](#). Chapter 11 of the manual ([516 DM 11](#)) is specific to the BLM's management of the NEPA process. The DOI, through the Office of Environmental Policy and Compliance (OEPC), also continuously updates a series of [environmental statement, review, and compliance memoranda](#), which further interpret DM Part 516.

This Handbook contains direction for use by BLM employees from all levels of our organization, including decision-makers, program managers, specialists, interdisciplinary team members, and any BLM contractors involved in the NEPA process. "We" (BLM) believe it will help "you" (the reader) help us in meeting the legal requirements of the NEPA.

For more information see the [BLM Planning and NEPA Library Web page](#).

1.3 DOCUMENTS USED TO MEET NEPA REQUIREMENTS

The BLM uses various types of documents to meet our NEPA requirements. Environmental analysis documents, which must be made available to the public, include environmental impact statements (EISs) and environmental assessments (EAs) ([40 CFR 1506.6\(b\)](#)). If a proposed action will have a significant environmental impact, you must prepare an environmental impact statement (EIS) ([40 CFR 1502.1](#)). The EIS process is initiated with publication of a notice of intent (NOI) and requires public scoping. Draft EISs are made available for public review and comment, and final EISs include our responses to comments received. You must document your decision on the action in a record of decision (ROD) ([40 CFR 1505.2](#)).

If it is unclear whether the action would have a significant effect, you prepare an environmental assessment (EA) ([40 CFR 1508.9\(a\)](#)). If the analysis in an EA shows the action would not have a significant effect, a “Finding of No Significant Impact” (FONSI) documents that there is no need for an EIS ([40 CFR 1508.13](#)).

If the proposed action belongs to a category of actions that have no potential for significant environmental impacts, you may categorically exclude the action from analysis in an EA or EIS before deciding to implement it. To categorically exclude an action, the proposed action must fit within the list of statutory, Departmental, or BLM categorical exclusions (CXs) ([516 DM 2.3\(A\)](#)).

The BLM NEPA procedures also provide for the use of existing NEPA analysis documents. If a proposed action is adequately covered by an existing EIS or EA, then you may document a “Determination of NEPA Adequacy” (DNA) ([516 DM 11.6](#)).

As NEPA analysis documents are not agency decisions, they are not subject to BLM administrative protest or appeal provisions. However, a decision based on a CX, an EA and FONSI, or an EIS is an agency action and may be protested or appealed, regardless of the type of NEPA compliance documentation completed.

1.4 THE NEPA APPROACH

As described by the CEQ regulations, the NEPA “is our basic national charter for protection of the environment” ([40 CFR 1500.1](#)). According to the regulations, “The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment” ([40 CFR 1500.1\(c\)](#)). Analysis and disclosure of the effects of a proposed action and its alternatives are the underlying NEPA principles that move agencies toward achieving this goal.

Figure 1.1, “NEPA Screening Process,” is a flow chart that shows our NEPA screening process. The NEPA process starts when the BLM has a proposal for action (see section **3.1, *Determining When NEPA Applies***). The CEQ regulations require that the NEPA process begin and be “integrate[d] with other planning at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts” ([40 CFR 1501.2](#)).

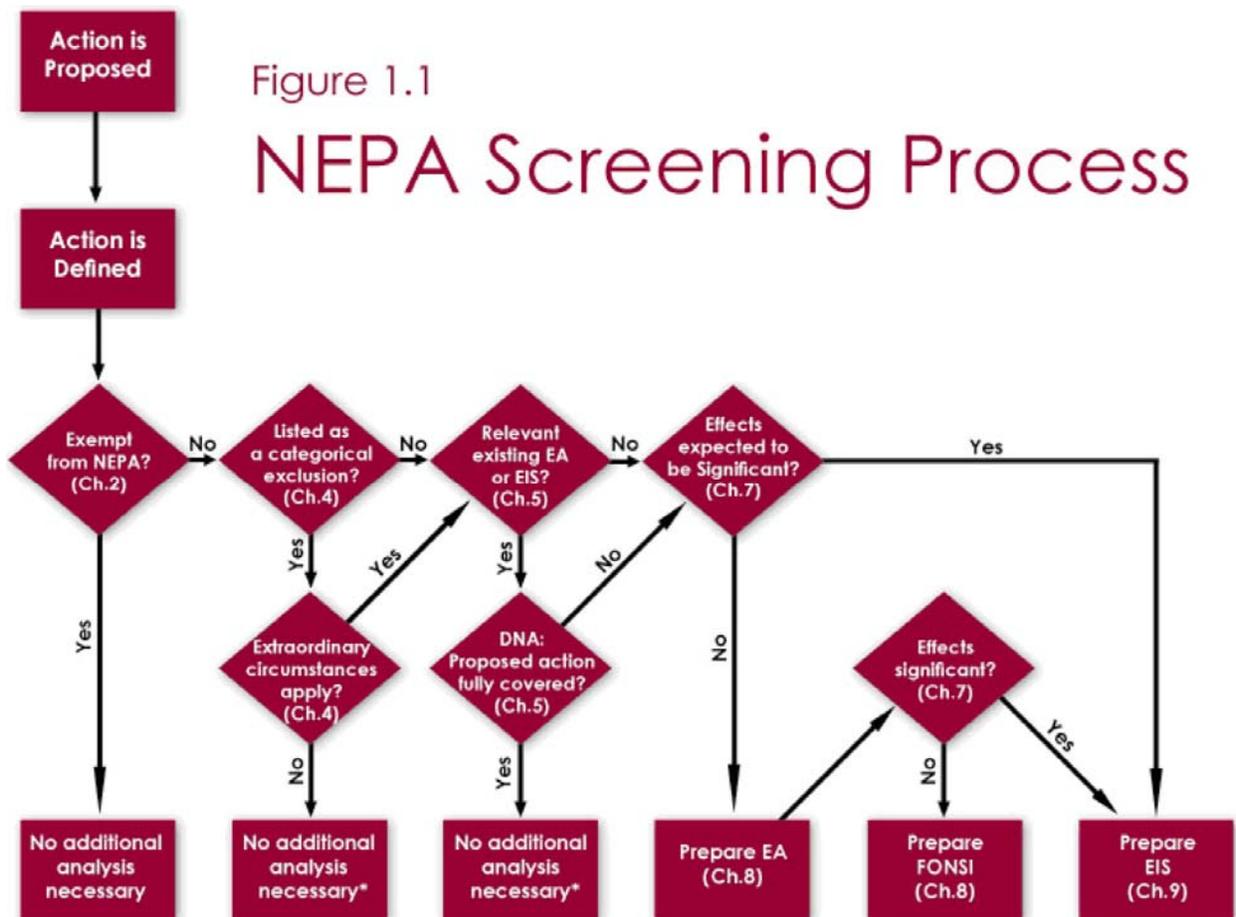
Several factors guide the timing of NEPA analysis and agency decision-making ([40 CFR 1502.5 and 1506.1](#)). For example:

- You must finish all of the steps necessary for completing the NEPA process prior to issuance of a formal decision, to enable you to make a well-informed decision ([40 CFR 1505.1\(d\), 40 CFR 1506.1, 516 DM 1.2\(D\)](#)).
- You must not authorize any action that would limit the choice of alternatives being analyzed under the NEPA until the NEPA process is complete ([40 CFR 1506.1](#)). However, this requirement does not apply to actions previously analyzed in a NEPA document that are proposed for implementation under an existing land use plan. For instance, an existing plan will continue to guide the BLM's processing of site-specific permits on existing oil and gas leases. Drilling permits, sundry notices, and similar authorizations will be allowed as long as the actions do not exceed limits that were delineated in the existing land use plan (LUP) and analyzed in the associated NEPA document.

You must prepare NEPA analyses using an interdisciplinary approach, and the disciplines of the preparers must be appropriate to the scope of the analysis and to the issues identified in the scoping process ([40 CFR 1502.6](#)). The requirement for an interdisciplinary approach is met when preparer(s) consult with all appropriate sources for the analysis of affected resources. This may include staff from other BLM offices or other Federal or non-Federal agencies, as needed, to provide a rational basis for decision-making.

The CEQ regulations require NEPA documents to be “concise, clear, and to the point” ([40 CFR 1500.2\(b\), 1502.4](#)). Analyses must “focus on significant environmental issues and alternatives” and be useful to the decision-maker and the public ([40 CFR 1500.1](#)). Discussions of impacts are to be proportionate to their significance ([40 CFR 1502.2\(b\)](#)). Similarly, the description of the affected environment is to be no longer than is necessary to understand the effects of the alternatives ([40 CFR 1502.15](#)). “Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail.” ([40 CFR 1500.1](#)).

Figure 1.1 NEPA Screening Process



* See Chapters 4 and 5 for documentation requirements.

1.5 CONFORMANCE WITH THE EXISTING LAND USE PLAN

All actions approved or authorized by the BLM must conform to the existing land use plan where one exists ([43 CFR 1610.5-3, 516 DM 11.5](#)). Although it is not a NEPA requirement, the BLM includes within all its NEPA documents a statement about the conformance of the proposed action and alternatives with the existing land use plan (LUP). The BLM’s planning regulations state that the term “conformity” or “conformance” means that “... a resource management action shall be specifically provided for in the plan, or if not specifically mentioned, shall be clearly consistent with the terms, conditions, and decisions of the approved plan or amendment” ([43 CFR 1601.0-5\(b\)](#)).

A proposal for an action that has been clearly identified and provided for in the LUP would be considered to be in conformance with the plan.

If the LUP is silent about an activity, review the plan direction including the broad and programmatic goals and objectives. In this evaluation, there are four possible conclusions:

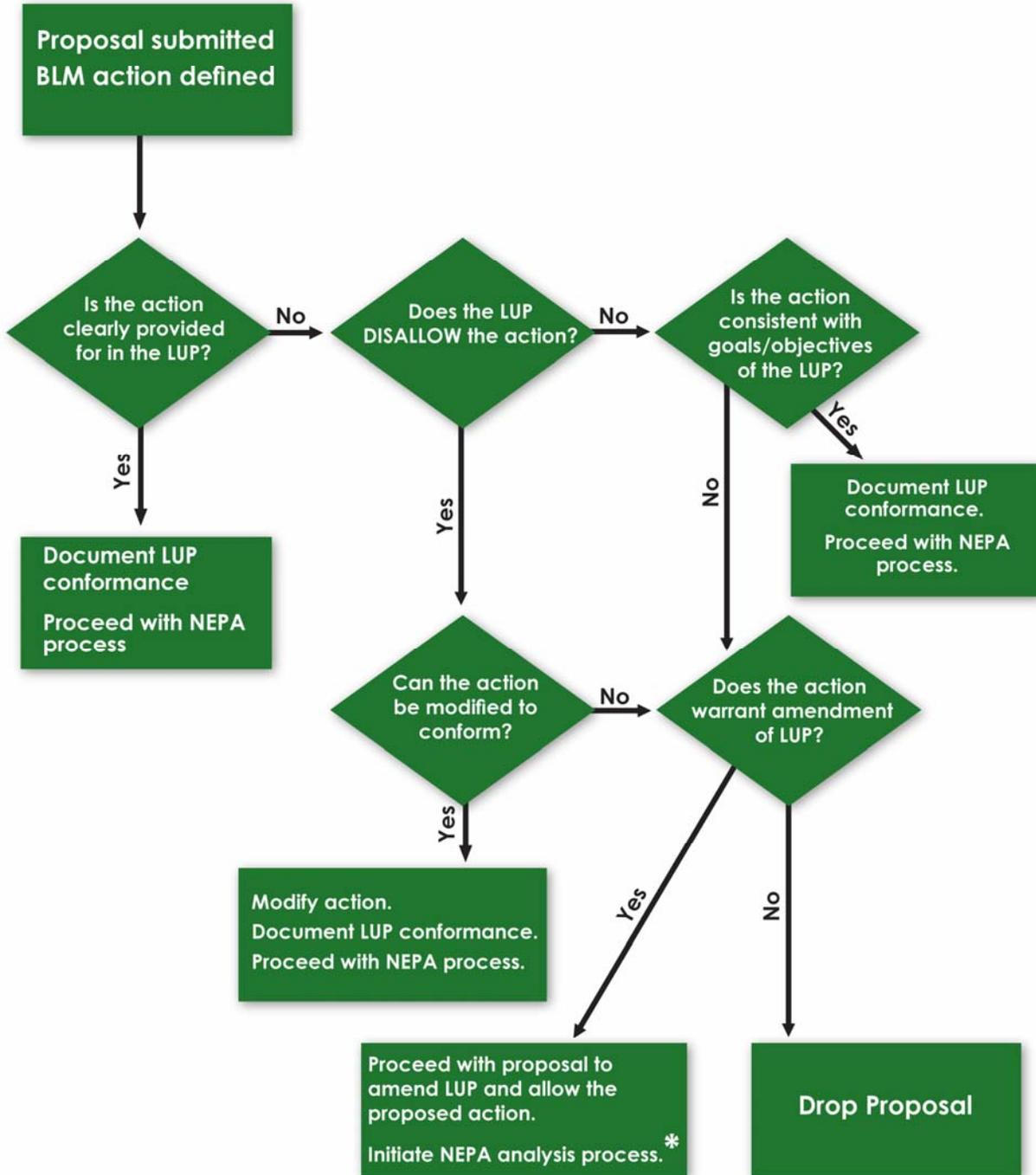
1. the activity contributes to meeting plan goals and objectives and is not inconsistent with the plan, and hence it can be considered to be in conformance;
2. the proposal is not in conformance, but the proposal can be modified to be in conformance;
3. the proposal is not in conformance, but amendment of the LUP is warranted to allow the activity; or
4. the proposal is not in conformance, and the proposal does not warrant further consideration through an LUP amendment.

If you determine that the proposed action does not conform to the LUP, you may modify the proposal to conform, or consider a plan amendment to allow the action. In the case of externally-generated proposals, working with the applicant before submission of a proposed action to suggest modifications to their initial proposal may result in conformance with the LUP.

When a proposal cannot be modified and does not warrant amendment of the LUP, drop the proposal. (See **Figure 1.2, Screening for Land Use Plan Conformance**).

Figure 1.2 Screening for Land Use Plan Conformance

Screening for Land Use Plan (LUP) Conformance



* Refer to the BLM Land Use Planning Handbook (H-1601-1) for further guidance.

1.6 CONSISTENCY WITH OTHER AUTHORITIES

In addition to the BLM's planning regulations related to LUP conformance, there are a number of other authorities, such as program-specific guidance and Executive Orders, for you to remember when considering an action.

We recommend that you document your compliance with other authorities at the same time that you document NEPA compliance. These other authorities do not constitute NEPA requirements for analysis, but some contain specific direction about NEPA compliance. More generally, other authorities may be relevant during several steps of the NEPA process. For example, other laws, regulations, and policies may be useful to consider in formulating the purpose and need for action (see section **6.2, *Purpose and Need***), identifying issues for analysis (see section **6.4, *Issues***), formulating alternatives (see section **6.6, *Alternatives Development***), identifying any regulatory thresholds (see section **6.8.3.5, *Analyzing the Cumulative Effects***), and developing the rationale for decision selection (see sections **8.5.1, *Documenting the Decision*** and **9.7.1, *ROD Format***). In addition, other laws and regulations may factor into the determination of whether effects are significant (see section **7.3, *Significance***).

The list of supplemental authorities contained in **Appendix 1, *Supplemental Authorities to be Considered***, is not exhaustive and will change over time. This list is not a checklist for NEPA compliance, but may be consulted when developing NEPA documents. See section **6.4, *Issues*** for additional guidance.

CHAPTER 2—ACTIONS EXEMPT FROM THE NEPA AND EMERGENCY ACTIONS

General

- 2.1 Congressionally Exempt Actions
- 2.2 Actions Mandated by Statute
- 2.3 Emergency Actions

GENERAL

Some types of actions are or can be exempt from NEPA requirements. However, the NEPA has broad-reaching applicability, and situations where actions are exempt are rare. In an emergency, when action must be taken immediately, there are procedures for complying with the NEPA (see section **2.3, *Emergency Actions***).

Be aware that even if an action is exempt from the NEPA or if alternative arrangement procedures are used, you may need to analyze that action as part of a cumulative effects analysis for a future action (see section **6.8.3, *Cumulative Effects***).

2.1 CONGRESSIONALLY EXEMPT ACTIONS

Some actions are congressionally exempt from NEPA compliance. This is uncommon and is applicable only on a case-by-case basis. Review the relevant statutory language to determine the extent and scope of the action being exempted. Any actions that are outside the scope of a statutory exemption would require appropriate NEPA analysis. *An example of an action that is congressionally exempt from the NEPA is one where a law directs the BLM to take action, such as closing an area to a specific use, and the law states that the provisions of the NEPA do not apply.*

2.1.1 CERCLA

It is the position of the Department of Justice that the NEPA is not applicable to cleanups conducted pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. sections 9601 et seq. (CERCLA). Requirements for environmental analysis and public participation during CERCLA cleanups are addressed in the CERCLA Handbook. For further information regarding this issue, or how it may apply at a particular site, contact the Office of the Solicitor.

2.2 ACTIONS MANDATED BY STATUTE

If the BLM is required by law to take an action, the NEPA may not be triggered. *For example, Public Law 105-167 mandates the BLM to exchange certain mineral interests. In this situation, the NEPA would not apply because the law removes the BLM's decision-making discretion.* Also, if there is a clear and unavoidable conflict between NEPA compliance and another statutory authority, NEPA compliance is not required. *For example, if the timing of another statutory authority makes NEPA compliance impossible, the NEPA is not triggered.*

Be aware however, that some statutorily mandated actions do require NEPA analysis. *For example, an Act may direct the BLM to lease a specific parcel of land, as described in the preceding example, yet require the BLM to comply with the provisions of the NEPA.* We recommend that you consult with the Office of the Solicitor if there are potential conflicts between the NEPA and other statutory provisions.

2.3 EMERGENCY ACTIONS

In the event of an emergency situation, immediately take any action necessary to prevent or reduce risk to public health or safety, property, or important resources ([516 DM 5.8](#)). Thereafter, other than those actions that can be categorically excluded, the decision-maker must contact the BLM Washington Office, Division of Planning and Science Policy (WO-210) to outline subsequent actions. The CEQ regulations ([40 CFR 1506.11](#)) provide that in an emergency “alternative arrangements” may be established to comply with NEPA. Alternative arrangements do not waive the requirement to comply with NEPA, but establish an alternative means for compliance.

The CEQ regulations for alternative arrangements for dealing with such emergencies are limited to the actions necessary to control the immediate effects of the emergency. Other portions of the action, follow-up actions, and related or connected actions remain subject to normal NEPA requirements, so you must complete appropriate NEPA analysis before these actions may be taken ([40 CFR 1506.11](#)).

The “alternative arrangements” take the place of an EIS and only apply to Federal actions with significant environmental impacts (see section **7.3, Significance**). If the proposed action does not have significant environmental effects, then the alternative arrangements at [40 CFR 1506.11](#) do not apply.

If you anticipate the proposed emergency response activity will have significant environmental effects, we recommend that you assess whether an existing NEPA analysis has been prepared (e.g., implementing preexisting plans) or whether there is an applicable exemption. *For example, certain Federal Emergency Management Agency (FEMA) response actions are exempt from the NEPA ([see the NEPA Handbook Web Guide](#)).*

2.3.1 Types of Emergency Actions

The following actions are typically considered emergency actions, provided they must immediately be taken to protect public health and safety or important resources:

- cleanup of a hazardous materials spill.
- wildland fire suppression activities related to ongoing wildland fires.
- emergency stabilization actions following wildland fires or other disasters.

Emergency stabilization actions that are not immediately needed to protect public health and safety or important resources must undergo normal NEPA procedures (40 CFR 1506.11). Generally, follow-up actions such as fire rehabilitation, abandoned mine land reclamation, or flood cleanup are not considered emergency actions.

2.3.2 Procedures for Emergency Actions

2.3.2.1 Wildfire Suppression Actions

You must take immediate action to manage all wildfires consistent with land use and fire management plans. The BLM Washington Office will consult with the OEPC on an annual basis to discuss anticipated fire suppression activities for the upcoming fire season and any changes in fire suppression standards and operating procedures. The OEPC will consult with the CEQ, as appropriate. Prescribed fire projects are not considered wildfire suppression activities, and must undergo normal NEPA procedures ([40 CFR 1506.11](#)).

2.3.2.2 Emergency Actions other than Wildfire Suppression

You must take immediate action to prevent or reduce risk to public health or safety or important resources ([516 DM 5.8](#)). Thereafter, other than those actions that can be categorically excluded, you must contact the BLM Washington Office (WO-210) to outline subsequent actions. We recommend that you address the following factors when contacting WO-210 in the event of an emergency situation:

- nature and scope of the emergency.
- actions necessary to control the immediate effects of the emergency.
- potential adverse effects of the proposed action.
- components of the NEPA process that can be followed and that provide value to decision-making (e.g., coordination with affected agencies and the public).
- duration of the emergency.
- potential mitigation measures.

The BLM WO-210 will expedite the necessary consultation with the Office of the Solicitor, the OEPC, and the CEQ for those emergency actions anticipated to have significant environmental impacts. Once alternative arrangements have been established, the CEQ will provide documentation describing the alternative arrangements and the considerations on which they are based. During any follow-up activities, the OEPC and the BLM will jointly be responsible for consulting with the CEQ. If the BLM action is not expected to have significant environmental impacts, contact the BLM WO-210. The BLM WO-210 will consult with the OEPC to consider any appropriate action. The Web Guide provides [WO-210 contact information](#), including non-duty hour procedures. Also, see [516 DM 5.8](#) for guidance on emergencies.

When time permits, actions that are not categorically excluded and that are not expected to have significant environmental effects can be analyzed with an environmental assessment. We recommend that you use the techniques described throughout this handbook to prepare a focused, concise, and timely environmental assessment:

- narrowly focus the purpose and need.
- limit alternatives to those that would achieve the purpose and need.
- if there is consensus about the proposed action, do not analyze in detail the no action or other action alternatives.
- tailor public involvement and use informal scoping (telephone calls, on-site discussions with affected parties) to identify issues of concern.
- limit the analysis to issues of concern.

CHAPTER 3—ACTIONS REQUIRING NEPA COMPLIANCE

General

- 3.1 Determining When the NEPA Applies
- 3.2 Proposals Originating Within the BLM
- 3.3 Proposals Submitted to the BLM by Other Entities

GENERAL

The NEPA process is initiated when a proposal for Federal action exists. The sections of this chapter discuss when the NEPA applies for various types of proposals that the BLM considers.

3.1 DETERMINING WHEN THE NEPA APPLIES

A proposal for Federal action triggers the NEPA. The CEQ regulations define major Federal actions to include adoption of official policy (that is, rules and regulations), adoption of formal plans, adoption of programs, and approval of specific projects ([40 CFR 1508.18](#)). The NEPA process is initiated when a proposal has been developed by, or submitted to the BLM. Identification of existing conditions and of possible actions does not trigger the NEPA.

A BLM proposal is a Federal action when: (1) we have a goal and are actively preparing to make a decision on one or more alternative means of accomplishing that goal ([40 CFR 1508.23](#)); (2) the proposed action and effects are subject to BLM control and responsibility ([40 CFR 1508.18](#)); (3) the action has effects that can be meaningfully evaluated ([40 CFR 1508.23](#)); and (4) effects of the proposed action are related to the natural and physical environment, and the relationship of people with that environment ([40 CFR 1508.8](#); [40 CFR 1508.14](#)).

As a Federal agency, the BLM must meet NEPA requirements whenever it is the BLM's decision that would result in an effect on the human environment, even when the effect would be beneficial and regardless of who proposes the action or where it would take place ([40 CFR 1508.18](#)).

3.2 PROPOSALS ORIGINATING WITHIN THE BLM

The BLM develops land use plans and proposes or approves actions to implement those plans. The BLM land use plans (LUP) require preparation of an EIS. Amendments of LUPs require an EA or EIS. The [BLM's Land Use Planning Handbook](#) (H-1601-1) provides additional guidance for complying with the NEPA for planning actions and implementation actions. Examples of implementation actions are construction of trails; timber sales; fuels reduction projects; and development of camping sites. Implementation actions require preparation of an EA or EIS, unless the action can be categorically excluded (see [section 4.2.1, *Identifying Potential Categorical Exclusions*](#)).

Internal BLM projects are held to the same NEPA analysis requirements as externally-generated projects. It is important not to overlook the analysis requirements of any BLM-initiated projects, including such relatively low-impact actions as approving a buried powerline in a previously disturbed area or installing a wildlife guzzler.

3.2.1 Policies and Rulemaking

Federal actions include “Adoption of official policy, such as rules, regulations, and interpretations ...” ([40 CFR 1508.18\(b\)\(1\)](#)). When we propose a policy, we must evaluate it to determine whether it is a major Federal action significantly affecting the quality of the human environment, and thus triggers the need to prepare an EIS ([40 CFR 1502.4\(b\)](#)). This evaluation involves a three part test to determine whether the following apply: the action must (1) be federally approved or conducted, (2) major, and (3) have a significant environmental impact. However, it is not always as clear whether a proposed policy will affect the human environment. The BLM must evaluate if the proposed action would authorize any activity or commit any resources, thus affecting the human environment ([40 CFR 1508.18](#)).

Adoption of official policy of an administrative, financial, legal, technical or procedural nature is often too broad, speculative, or conjectural to allow for a meaningful analysis. Such actions may be categorically excluded (see **Appendix 3, Departmental Categorical Exclusions, CX #1.10**). *An example of a categorically excluded procedural action is the BLM’s proposed revision of our Departmental NEPA Manual chapter (516 DM chapter 11; Federal Register, January 25, 2006).*

Departmental policy requires that all rulemaking documents be published in the Federal Register for public comment, and that the notice include a Record of Compliance with a statement whether the proposed policy would or would not constitute a major Federal action significantly affecting the quality of the human environment ([318 DM 4](#)). This statement may be supported by:

- an EIS;
- an EA and FONSI;
- an explanation that the action is categorically excluded; or
- an explanation that the action does not constitute a major Federal action significantly affecting the quality of the human environment, and a detailed statement under the National Environmental Policy Act of 1969 is not required.

An example of rulemaking that required preparation of an EIS is revision to our grazing regulations is found at 43 CFR part 4100 (Federal Register, December 8, 2003 and July 12, 2006).

3.2.2 Land Use Plan (LUP) Development

Sections 201 and 202 of the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C. 1711-1712) and regulations in 43 CFR part 1600 establish BLM land use planning requirements. The BLM LUPs are designed to provide guidance for future management actions and the development of subsequent, more detailed and limited-scope plans for resources and uses. The [BLM Land Use Planning Handbook](#) (H-1601-1) provides supplemental guidance for preparing, revising, amending and maintaining LUPs. Land use plans include both resource management plans (RMPs) and management framework plans (MFPs).

Development of a new plan (including replacement of a MFP with an RMP) requires preparation of an EIS, as does revision of an existing LUP ([43 CFR 1601.0-6](#)). An existing plan may be amended to make changes in the terms, conditions and decision of an approved plan. The amendment process is tailored to the anticipated level of public interest and potential for significant impacts, and requires preparation of an EA or EIS. *An example of an EA-level LUP amendment is to establish or adjust a herd management area on public lands used by wild horses, in accordance with the Wild Free-Roaming Horse and Burro Act of 1971.* Actions to maintain LUPs usually may be categorically excluded (see section **4.2.1, Identifying Potential Categorical Exclusions**).

3.3 PROPOSALS SUBMITTED TO THE BLM BY OTHER ENTITIES

Other entities who submit proposals include applicants for use or development of resources on lands administered by the BLM. Other entities include non-Federal organizations and individuals, other Federal, State and local agencies, and tribal entities. As part of considering a proposal submitted to the BLM by others, the decision-maker must determine if it is in conformance with the LUP ([43 CFR 1610.5-3, 516 DM 11.5](#)) and what level or type of NEPA documentation is required (see section **1.3 Documents Used to Meet NEPA Requirements**). The following are some examples of proposals from outside the BLM:

- *applications for a permit to drill, a special recreation permit, a right-of-way grant, or a grazing authorization*
- *a proposal by the Animal and Plant Health Inspection Service to control grasshoppers on lands administered by the BLM.*
- *a proposal from a State wildlife agency for the BLM to cooperate in restoring wildlife habitat.*

3.3.1 Proposals for the BLM to Fund Actions

Whenever the BLM receives a proposal to fund projects on public lands that we manage, the NEPA is triggered. Occasionally, the BLM has funds to distribute to non-Federal entities to perform work on lands not administered by the BLM. If the BLM exercises control over the implementation of the action such that the effect can be meaningfully evaluated, NEPA analysis is required. If the BLM distributes the funds according to a predetermined formula or through a State clearing house for subsequent distribution to projects not individually identified, then the NEPA is not triggered.

For example, the BLM has a cooperative agreement with a State agency to fund fuel reduction projects on private or State lands. If the cooperative agreement describes the criteria to select the projects but leaves the specifics of project selection to the State agency, then the NEPA is not triggered. On the other hand, if the BLM is making a decision to fund or not fund a specific project on lands not administered by the BLM, then NEPA is triggered.

3.3.2 Proposals Involving Mineral Estate

Where the BLM manages both surface resources and subsurface resources, any proposal to develop locatable or leaseable mineral resources triggers the NEPA. Where the BLM does not manage both surface and subsurface resources (split estate), whether or not a proposal requires NEPA compliance depends on the specific situation.

- Proposals where the BLM manages the subsurface resources and another Federal agency manages the surface. The NEPA is triggered by a proposal to develop the subsurface resource. The BLM must establish a cooperating agency relationship with the other Federal agency (see section **12.1, *Cooperating Agency Status in Development of NEPA Analysis Documents***).
- Proposals where the BLM manages the subsurface resources and the surface is non-Federal. On split estate lands where the reserved Federal minerals are open to leasing or location (location is the act of staking a mining claim under the General Mining Law), the NEPA is triggered by an operator or mining claimant’s proposal to explore for or develop the subsurface resource. The BLM is responsible for NEPA compliance, and you must document effects on surface and subsurface resources ([40 CFR 1508.8](#)). An exception to this policy refers to Stock Raising Homestead Act lands and applies only when the surface owner and the mining claimant are the same party ([IM 2005-114; 43 CFR 3809](#)).
- Proposals where the BLM manages the surface and the subsurface is non-Federal. As with any proposal, the NEPA is triggered by a request for the BLM to authorize surface disturbance. *For example, the BLM is responsible for documenting NEPA compliance for an access road right-of-way application, regardless of the use for which the access is requested.*

CHAPTER 4—CATEGORICAL EXCLUSIONS

General

4.1 Categorical Exclusions Established by the Energy Policy Act

4.2 Categorical Exclusions Established by the Department of the Interior or the BLM

GENERAL

Categorical exclusions (CXs) are categories of actions that Federal agencies have determined do not have a significant effect on the quality of the human environment (individually or cumulatively) and for which, therefore, neither an EA nor an EIS is required ([40 CFR 1508.4](#)). A CX is a form of NEPA compliance, without the analysis that occurs in an EA or an EIS. It is not an exemption from the NEPA.

When using CXs, other procedural requirements may still apply: for example, tribal consultation, and consultation under the National Historic Preservation Act and the Endangered Species Act.

You are encouraged to apply categorical exclusions, where appropriate, because they speed NEPA compliance ([40 CFR 1500.5\(k\)](#)).

While use of a CX is not subject to protest or appeal, a decision on the action being taken may be subject to protest and appeal. Consult program-specific guidance and include applicable protest and appeal provisions with the documentation of the decision on the action. [See the NEPA Handbook Web Guide for program-specific protest and appeal information.](#)

If there is high public interest in an action that will be categorically excluded, you may elect to involve the public (for example, through notification or scoping). Public involvement may be valuable in determining whether extraordinary circumstances apply. There may be program-specific guidance for public notification of the decision. Even if there is no program-specific guidance, you may elect to provide public notification of a decision based on a CX, depending on the public interest in the action.

Though not required, you may elect to prepare an EA for proposed actions otherwise excluded when the decision-maker believes that an EA would be helpful in planning or decision-making ([40 CFR 1501.3](#) and [516 DM 3.2\(B\)](#)). We recommend that you include in the NEPA document the rationale for completing an EA when a CX could be used.

Guidance for the use of CXs differs for some specific CXs as described below.

4.1 CATEGORICAL EXCLUSIONS ESTABLISHED BY THE ENERGY POLICY ACT

Section 390 of the Energy Policy Act of 2005 established five statutory CXs that apply only to oil and gas exploration and development pursuant to the Mineral Leasing Act. The CXs do not apply to geothermal actions. These CXs are listed in **Appendix 2, *Using Categorical Exclusions Established by the Energy Policy Act of 2005.***

The decision-maker must include in the well file or case file a brief rationale as to why one or more Energy Act CXs apply. No other documentation for application of Energy Act CXs is required. These CXs are different in application from the Departmental CXs and the BLM non-Energy Act CXs. Energy Policy Act CXs do not require review for extraordinary circumstances. This is because these CXs are established by statute, and their application is governed by that statute. However, other procedural requirements still apply, such as consultation under the Endangered Species Act and National Historic Preservation Act.

Issue a decision document for the proposed activity. Apply environmental best management practices (BMPs) and other suitable mitigation measures to permit approvals in accordance with current national policy. Best Management Practices or conditions of approval can be implemented with a CX and do not require additional NEPA documentation.

Detailed guidance for using these statutory CXs is described in **Appendix 2, *Using Categorical Exclusions Established by the Energy Policy Act 2005***.

4.2. CATEGORICAL EXCLUSIONS ESTABLISHED BY THE DEPARTMENT OF THE INTERIOR OR THE BLM

This section outlines procedures for using categorical exclusions established by the Department of the Interior or the BLM in accordance with CEQ regulations ([40 CFR 1508.4](#)).

4.2.1 Identifying Potential Categorical Exclusions

Verify that the proposed action fits within one of the Departmental CXs (**Appendix 3, *Departmental Categorical Exclusions***) or a BLM CX (**Appendix 4, *BLM Categorical Exclusions***). Both the Departmental and BLM lists of CXs need to be reviewed to determine if the proposed action falls into one of the listed categories, as the two lists are not the same.

Some proposed actions may fit within more than one CX. In determining the appropriate CX to use, select the CX that most closely matches the objectives of the proposed action and is the most specific.

Several CXs include acreage limitations (**Appendix 3, *Departmental Categorical Exclusions*** and **Appendix 4, *BLM Categorical Exclusions***). Where multiple treatments are proposed, for instance, consider the total area treated, rather than adding together overlapping acreage of different treatments. *For example, the BLM CX for vegetation treatment (see **Appendix 4, *BLM Categorical Exclusions***) includes an acreage limitation of 1000 acres for vegetation management projects other than prescribed fire. A proposed action of invasive plant removal on 600 acres, followed by mechanical cutting on 500 overlapping acres does not exceed the 1000-acre limitation. If the mechanical cutting were proposed on 500 acres that did not overlap with the 600 acres of invasive plant removal, the proposed action would exceed the 1000-acre limitation.*

4.2.2 Determining if an Extraordinary Circumstance Precludes Use of a Categorical Exclusion

Extraordinary circumstances preclude the use of a Departmental or BLM CX. Extraordinary circumstances are those circumstances for which the Department has determined that further environmental analysis is required for an action, and therefore an EA or EIS must be prepared ([516 DM 2.3\(A\)\(3\)](#)). All categorically excluded actions must be subjected to sufficient review to determine if any of the extraordinary circumstances apply (see **Appendix 5, *Categorical Exclusions: Extraordinary Circumstances***).

If any extraordinary circumstances apply, an EA or EIS must be prepared ([516 DM 2.3\(A\)\(3\)](#)). While there is no requirement for an interdisciplinary process or public involvement when reviewing whether extraordinary circumstances apply, the decision-maker may choose to do so.

If any of the extraordinary circumstances apply to the proposed action, determine whether the proposal can be modified to alleviate or resolve the circumstances that are considered extraordinary. If this can be done, and if applicable, the proponent agrees to the change, then the proposed action may be modified and categorically excluded. If the proposed action cannot be modified or the proponent refuses to accept a proposed change, prepare an EA or EIS. If an extraordinary circumstance indicates there are significant effects, then an EIS must be prepared ([516 DM 4](#)) (see section **7.2, *Actions Requiring an EIS***).

Some actions may require considerable review to determine whether any extraordinary circumstances apply. *For example, a significant impact on a threatened or endangered species is an extraordinary circumstance (see **Appendix 5, *Categorical Exclusions: Extraordinary Circumstances***). It might be readily determined that an action would have some effect on a threatened or endangered species (which would not necessarily constitute an extraordinary circumstance). Determining whether that effect would be significant might require considerable review.* If there is uncertainty about whether one or more of the extraordinary circumstances apply, we recommend that you prepare an EA to determine whether an EIS is required.

If none of the extraordinary circumstances apply to the proposed action (or modified action), then it may be categorically excluded.

4.2.3 Documentation Requirements

4.2.3.1 Documentation Requirements When Using Hazardous Fuels and Post-Fire Rehabilitation CXs

Categorical exclusions for hazardous fuels and post-fire rehabilitation (see **Appendix 3, *Departmental Categorical Exclusions, #1.12 and #1.13***) have specific documentation requirements. The OEPC requires you to prepare a specific memorandum documenting the use of these two categorical exclusions and documenting the decision to implement the proposed project (DM ESM 03-2). The documentation must follow the template provided in **Appendix 7, *Documentation Requirements for Hazardous Fuels Actions and Post-Fire Rehabilitation Actions***. You must include this document in the case or project file.

4.2.3.2 Documentation Requirements When Using CXs Not Established by Statute

For most actions that are categorically excluded, we recommend that you document which categorical exclusion applies. Documentation would often not be necessary for:

- Actions that have no environmental effect (for example, personnel actions ([516 DM 2, Appendix 1 \(1.1\)](#)) or routine financial transactions ([516 DM 2 Appendix 1, \(1.3\)](#))).
- Actions that have negligible environmental effect (for example, nondestructive data collection ([516 DM 2, Appendix 1 \(1.6\)](#)) or installation of routine signs and markers ([516 DM 11.9 \(G.2\)](#))). [The NEPA Handbook Web Guide provides additional examples and discussion.](#)

If you document which categorical exclusion applies, you must use the form provided in **Appendix 6, *Categorical Exclusion Documentation Format When Using Categorical Exclusions Not Established by Statute***. This form must be included in the case or project file. This form does not constitute a decision document, and you must issue a decision document that meets program specific guidance.

CHAPTER 5—USING EXISTING ENVIRONMENTAL ANALYSES

General

- 5.1 Determination of NEPA Adequacy
- 5.2 Incorporation by Reference and Tiering
- 5.3 Supplementing an EIS
- 5.4 Adopting Another Agency’s NEPA Analyses

GENERAL

You may use existing environmental analyses to analyze effects associated with a proposed action, when doing so would build on work that has already been done, avoid redundancy, and provide a coherent and logical record of the analytical and decision-making process.

Address the following questions before using existing environmental analyses:

- Have any relevant environmental analyses related to the proposed action been prepared (for example, LUP/EIS, programmatic EIS)?
- Who prepared or cooperated in the preparation of the analyses (i.e., the BLM or another agency)?
- Do any of the existing analyses fully analyze the proposed actions, alternatives, and effects?
- Are there new circumstances or information that have arisen since the original analysis was conducted?

The answers to these questions will determine the degree to which you might rely on the existing NEPA analyses. Use of existing analyses may range from considering them as the basis for decision-making (following a Determination of NEPA Adequacy (DNA) or adoption of another agency’s NEPA analysis); using components of them (through tiering or incorporation by reference); or supplementing them with new analysis.

5.1 DETERMINATION OF NEPA ADEQUACY

A **Determination of NEPA Adequacy** confirms that an action is adequately analyzed in existing NEPA document(s) and is in conformance with the land use plan.

Not all new proposed actions will require new environmental analysis. In some instances an existing environmental analysis document may be relied upon in its entirety, and new NEPA analysis will not be necessary ([516 DM 11.6](#)). The following are examples of some of the typical situations in which an existing environmental analysis might be relied upon in its entirety.

- *An applicant requests a special recreation permit for a 4-wheel vehicle race on an established route, which is analyzed in an EA, selected in a decision document, and implemented. Later, another applicant requests a special recreation permit for a motorcycle race on the same route. Review the existing EA to determine if it adequately addresses this similar action and if new information and resource concerns have arisen.*
- *A proposed action for a landscape-scale timber harvest project is analyzed in an EIS and selected in a ROD. For implementation of a subsequent individual timber sale developed consistent with the ROD, review the EIS to determine if its analysis adequately addresses the specific effects of the individual timber sale.*

You may also use the DNA to evaluate new circumstances or information prior to issuance of a decision to determine whether you need to prepare a new or supplemental analysis (see section **5.3, Supplementing an EIS**). For example:

A proposed action to construct a road is analyzed in an EIS, but a decision is delayed for several years until funding becomes available. Before reaching a decision, review the existing EIS to determine if it is still adequate in light of new information and resource concerns that may have arisen in the intervening years.

To determine if existing documents are adequate, identify and review each relevant environmental document, as described below.

5.1.1 Identifying Existing Environmental Documents

A new proposed action may rely on a single or multiple existing NEPA documents. The NEPA documents that may be relevant include:

- EISs associated with BLM Resource Management Plans.
- EISs or EAs associated with Resource Management Plan Amendments.
- EISs or EAs on BLM programmatic actions.
- EISs or EAs associated with BLM activity plans, projects, or permit approval actions.
- EISs or EAs prepared by other agencies, including those on programmatic, land use, and activity or project-specific plans or actions, with the BLM as a cooperating agency.
- EISs or EAs prepared by other agencies without the BLM as a cooperating agency.

If the existing document is an EIS or EA prepared by another agency, the BLM must adopt the EIS or EA in order to use it for NEPA compliance. Follow the procedures for adoption rather than a DNA (see section 5.4, *Adopting Another Agency’s NEPA Analyses*).

5.1.2 Reviewing Existing Environmental Documents

Review existing environmental documents and answer the following questions to determine whether they adequately cover a proposed action currently under consideration:

- Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?
- Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?
- Is the existing analysis valid in light of any new information or circumstances (such as rangeland health standard assessments, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?
- Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

We recommend that your answers be substantive and detailed and contain specific citations to the existing EA or EIS (see section 5.1.3, *Document the Review*). If you answer “yes” to all of the above questions, additional analysis will not be necessary. If you answer “no” to any of the above questions, a new EA or EIS must be prepared ([516 DM 11.6](#)). However, it may still be appropriate to tier to or incorporate by reference from the existing EA or EIS or supplement the existing EIS (provided that the Federal action has not yet been implemented).

In addition to answering the above questions, evaluate whether the public involvement and interagency review associated with existing EAs or EISs are adequate for the new proposed action. In general, where the new proposed action has not already been discussed during public involvement for the existing EA or EIS, some additional public involvement for the new proposed action will be necessary. For example,

In the example above of a permit for a motorcycle race relying on the existing EA prepared for a 4-wheel vehicle race on the same route, provide some additional public involvement prior a decision on the permit, unless the public involvement for the EA specifically discussed the motorcycle race.

In the example above of a timber sale relying on the existing EIS for a landscape-scale timber harvest project, provide some additional public involvement prior a decision on the timber sale, unless the public involvement for the EIS specifically described the individual timber sale.

In the example above of a decision on road construction delayed after preparation of an EIS, additional public involvement may or may not be necessary depending on the new information or resource concerns that may have arisen. Evaluate whether additional public involvement would assist in determining whether the existing EIS is still adequate for the action.

If you conclude that additional public involvement is necessary, the type of public involvement is at the discretion of the decision-maker. Public involvement may include any of the following: external scoping, public notification before or during your review of the existing EA or EIS, public meetings, or public notification or review of a completed DNA Worksheet (see section **5.1.3, Document the Review**).

Some actions may be appropriate to implement with either a DNA or CX. When the new proposed action is clearly a feature of an action analyzed in an existing NEPA document and the existing analysis remains valid, a DNA would generally be preferable to using a CX, because a DNA would rely on a NEPA analysis to support decision making.

5.1.3 Document the Review

The DNA worksheet is not itself a NEPA document. The DNA worksheet documents the review to determine whether the existing NEPA documents can satisfy the NEPA requirements for the proposed action currently under consideration. The DNA worksheet can be found in **Appendix 8, Worksheet [for] Determination of NEPA Adequacy (DNA)**.

When relying on an existing environmental analysis for a new proposed action, we recommend that you document the review using the DNA worksheet.

When evaluating new circumstances or information prior to issuance of a decision, as described in section **5.1, Determination of NEPA Adequacy**, you may document your review using the DNA worksheet or in other documents, such as decision documentation or responses to comments. [The Web Guide contains examples of completed DNA worksheets.](#)

5.1.4 FONSI, Decisions, Protests, and Appeals

If the new proposed action is a feature of the selected alternative analyzed in an existing EA, you do not need to prepare a new FONSI because the existing FONSI already made the finding that the selected alternative would have no significant effects. However, you must prepare a new FONSI before reaching a decision if the new proposed action is:

1. essentially similar to, but not specifically a feature of, the selected alternative
2. a feature of, or essentially similar to, an alternative that was analyzed in the EA or EIS, but was not selected.

Be sure to evaluate whether the new FONSI must be made available for public review before reaching a decision (see section 8.4.2, *The Finding of No Significant Impact*).

The DNA worksheet is not a decision document. For a new action for which a DNA has been prepared, you usually must prepare decision documentation consistent with program-specific guidance.

There may be program-specific guidance for public notification of decisions. Even if there is no program-specific guidance, you may elect to provide public notification of a decision based on a DNA, depending on the public interest in the action and the public involvement that was provided for the existing NEPA analysis.

The signed conclusion in the DNA worksheet is an interim step in the BLM's internal review process and does not constitute an appealable decision. The decision on the action being implemented may be subject to protest or appeal under 43 CFR Part 4 and program-specific regulations. [See the Web Guide for examples of DNA-level decisions.](#)

5.2 INCORPORATION BY REFERENCE AND TIERING

Incorporation by reference and tiering provide opportunities to reduce paperwork and redundant analysis in the NEPA process. When incorporating by reference, you refer to other available documents that cover similar issues, effects and/or resources considered in the NEPA analysis you are currently preparing. Incorporation by reference allows you to briefly summarize the relevant portions of these other documents rather than repeat them.

Tiering is a form of incorporation by reference that refers to previous EAs or EISs. Incorporation by reference is a necessary step in tiering, but tiering is not the same as incorporation by reference. Tiering allows you to narrow the scope of the subsequent analysis, and focus on issues that are ripe for decision-making, while incorporation by reference does not. You may only tier to EAs or EISs, whereas you may incorporate by reference from any type of document.

5.2.1 Incorporation by Reference

The CEQ regulations direct that:

Agencies shall incorporate material into an environmental impact statement by reference when the effect will be to cut down on bulk without impeding agency and public review of the action. The incorporated material shall be cited in the statement and its content briefly described. No material may be incorporated by reference unless it is reasonably available for inspection by potentially interested parties within the time allowed for comment. Material based on proprietary data which is itself not available for review and comment shall not be incorporated by reference ([40 CFR 1502.21](#)).

Incorporation by reference is useful in preparing both EAs and EISs. It involves two steps: citation and summarization.

1. **Cite** the source of the incorporated material. Give the name of the document and page numbers where the incorporated material can be found. Make this citation as specific as possible so there is no ambiguity for the reader about what material is being incorporated. If unpublished, state where cited material is available.
2. **Summarize** the incorporated material. Briefly describe the content of the incorporated material and place it in the context of the NEPA document at hand. For example, if analysis is incorporated by reference from one NEPA document into another, summarize the previous analysis, and explain what you conclude based on that previous analysis and how it relates to the action in question. The summary of the incorporated material must be sufficient to allow the decision-maker and other readers to follow the analysis and arrive at a conclusion.

If a document incorporated by reference is central to the analysis in the EIS, circulate the document for comment as part of the draft. For example, circulate incorporated material with the draft EIS if it provides the bulk of the analysis, or it addresses effects which are highly controversial, or if it is likely to provide a basis for the decision (see section **9.7.1, ROD Format**). In such instances, it may be more appropriate to attach the material as an appendix rather than incorporate it by reference.

Any material may be incorporated by reference, including non-NEPA documents, as long as the material is reasonably available for public inspection. There are many ways to make incorporated material available for public inspection, such as mailing the material upon request or posting the material on the Internet. At a minimum, incorporated material must be available for inspection in the applicable BLM office. If the material is not or cannot be made reasonably available, it cannot be incorporated by reference. For example, privileged data that are not readily available (such as some seismic data, company financial data, cultural inventories) may be referenced, but not incorporated by reference. Instead, summarize the information as fully as possible with mention that the privileged information is not available for public review.

In addition, other material may be simply referenced in a NEPA document, without being incorporated by reference. Without following the above procedures for incorporation by reference, such material would not be made part of the NEPA document. It may be appropriate to simply reference material when it provides additional information for the reader, but is not essential to the analysis. If such referenced material is otherwise reasonably available (such as published material including books or journal or newspaper articles), you do not need to make it available for inspection at the BLM office. If any such material is essential to the analysis in the NEPA document, incorporate it by reference as described above. [See the Web Guide for an example of incorporation by reference.](#)

5.2.2 Tiering

Tiering is using the coverage of general matters in broader NEPA documents in subsequent, narrower NEPA documents ([40 CFR 1508.28, 40 CFR 1502.20](#)). This allows the tiered NEPA document to narrow the range of alternatives and concentrate solely on the issues not already addressed. Tiering is appropriate when the analysis for the proposed action will be a more site-specific or project-specific refinement or extension of the existing NEPA document.

Before you tier to a NEPA document, evaluate the broader NEPA document to determine if it sufficiently analyzed site-specific effects and considered the current proposed action. If so, a DNA will be more appropriate than a subsequent, tiered NEPA document (see section **5.1, *Determination of NEPA Adequacy***).

When preparing a tiered NEPA document:

1. state that it is tiered to another NEPA document;
2. describe the NEPA document to which it is tiered; and
3. incorporate by reference the relevant portions of the NEPA document to which it is tiered (cite and summarize, as described in section **5.2.1, *Incorporation by Reference***).

You may tier to a NEPA document for a broader action when the narrower action is clearly consistent with the decision associated with the broader action. In the tiered document, you do not need to reexamine alternatives analyzed in the broader document. Focus the tiered document on those issues and mitigation measures specifically relevant to the narrower action but not analyzed in sufficient detail in the broader document.

Tiering can be particularly useful in the context of the cumulative impact analysis. A programmatic EIS will often analyze the typical effects anticipated as a result of the individual actions that make up a program, as well as the total effects of the overall program. An EA prepared in support of an individual action can be tiered to the programmatic EIS. You may prepare an EA for an action with significant effects, whether direct, indirect or cumulative, if the EA is tiered to a broader EIS which fully analyzed those significant effects. Tiering to the programmatic EIS would allow the preparation of an EA and FONSI for the individual action, so long as the remaining effects of the individual action are not significant. If there are new circumstances or information that would result in significant effects of an individual action not considered in the EIS, tiering to the EIS cannot provide the necessary analysis to support a FONSI for the individual action (see sections **7.1, *Actions Requiring an EA***, and **8.4.2, *The Finding of No Significant Impact (FONSI)***).

Note that in some instances, a broader EIS might fully analyze significant effects on some resources affected by the individual action, but not all resources. The tiered EA for the individual action need not re-analyze the effects on resources fully analyzed in the broader EIS, but may instead focus on the effects of the individual action not analyzed in the broader EIS. The FONSI for such an individual action could rely on the analysis in the broader EIS as well as the tiered EA, and would explain which parts of the EIS it is relying upon. An EIS would need to be prepared for the individual action only if there are significant effects that have not been analyzed in the broader EIS.

For example:

If an LUP EIS analyzed the effects of a typical individual juniper control project and the total effects of a juniper control program, an individual juniper control project implemented as part of that overall program would generally be expected to have no significant effects, beyond those already analyzed in the LUP EIS.

In such instances, focus the EA on determining if, and how, any new circumstances or information would change the effects anticipated by the EIS. The EA in such instances may also consider mitigation of effects analyzed in the EA or already analyzed in the broader EIS, including reducing or avoiding effects that are not significant.

The following are examples of some of the typical situations in which tiering is appropriate.

- *LUP/EIS tiered to a programmatic EIS: tiering the analysis of a proposed grazing program in an LUP to the programmatic EIS for regulations for the fundamentals of rangeland health. Tiering to the programmatic EIS would allow the LUP EIS to exclude alternatives that would establish grazing at levels that would not achieve the fundamentals of rangeland health.*
- *Activity Plan NEPA document tiered to a LUP/EIS: tiering an allotment management plan EA to the analysis in the LUP/EIS that analyzed the effects of the livestock management objectives and management actions for the area. Tiering to the LUP EIS would allow the allotment management plan EA to exclude alternatives that would set grazing levels different than those established in the LUP EIS.*
- *Project-specific NEPA document tiered to Activity Plan NEPA: tiering an EA for building a fence to an allotment management plan EA. (Note that this action may sometimes be appropriate with a DNA, as described in Sec. 5.1.) If the allotment management plan decided to use fencing, as opposed to reducing grazing levels, to exclude cows from riparian areas, tiering to the allotment management plan EA would allow the fence EA to exclude alternatives that would reduce grazing levels to reduce riparian impacts.*
- *Project-specific NEPA document tiered to a LUP/EIS: in the absence of an allotment management plan, tiering an EA for building a fence to the general analysis of fencing in the grazing section of the LUP/EIS. (Note that this action may sometimes be appropriate with a DNA, as described in section 5.1, **Determination of NEPA Adequacy**).*

5.3 SUPPLEMENTING AN EIS

“Supplementation” has a particular meaning in the NEPA context. The Supreme Court has explained that supplementation of an EIS is necessary only if there remains major Federal action to occur. (See [Norton v. Southern Utah Wilderness Alliance, 542 U.S. 55 \(2004\)](#)). In the case of a land use plan, implementation of the Federal action is the signing of a Record of Decision. You must prepare a supplement to a draft or final EIS if, after circulation of a draft or final EIS but prior to implementation of the Federal action:

- you make substantial changes to the proposed action that are relevant to environmental concerns ([40 CFR 1502.9\(c\)\(1\)\(i\)](#));
- you add a new alternative that is outside the spectrum of alternatives already analyzed ([see Question 29b, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981](#)); or
- there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its effects ([40 CFR 1502.9\(c\)\(1\)\(ii\)](#)).

A supplemental EIS must provide a basis for rational decision-making and give the public and other agencies an opportunity to review and comment on the analysis of the changes or new information ([40 CFR 1502.9\(c\)\(4\)](#)). Supplementing is used to meet the purposes of the NEPA as efficiently as possible, avoiding redundancy in the process.

Supplementation is a process applied only to draft and final EISs, not EAs. If you make changes to the proposed action; add an alternative outside the spectrum of those already analyzed; or if new circumstances or information arise that alters the validity of an EA analysis prior to the implementation of the Federal action, prepare a new EA.

5.3.1 When Supplementation is Appropriate

“Substantial changes” in the proposed action may include changes in the design, location, or timing of a proposed action that are relevant to environmental concerns (i.e., the changes would result in significant effects outside of the range of effects analyzed in the draft or final EIS).

Adding a new alternative analyzed in detail requires preparation of a supplement if the new alternative is outside the spectrum of alternatives already analyzed and not a variation of an alternative already analyzed. For example:

Comments on a draft EIS for a transmission line right-of-way suggest an entirely new route for the right-of-way that would be a reasonable alternative. The new route would result in effects outside the range of effects analyzed in the draft. Prepare a supplemental draft EIS to analyze this new route.

Describing additional alternatives that are considered but eliminated from detailed analysis does not require supplementation.

“New circumstances or information” are “significant” and trigger the need for supplementation if they are relevant to environmental concerns and bearing on the proposed action and its effects (i.e., if the new circumstances or information would result in significant effects outside the range of effects already analyzed). New circumstances or information that trigger the need for supplementation might include the listing under the Endangered Species Act of a species that was not analyzed in the EIS; development of new technology that alters significant effects; or unanticipated actions or events that result in changed circumstances, rendering the cumulative effects analysis inadequate.

5.3.2 When Supplementation is Not Appropriate

Supplementation is not necessary if you make changes in the proposed action that are not substantial (i.e., the effects of the changed proposed action are still within the range of effects analyzed in the draft or final EIS).

If a new alternative is added after the circulation of a draft EIS, supplementation is not necessary if the new alternative lies within the spectrum of alternatives analyzed in the draft EIS or is a minor variation of an alternative analyzed in the draft EIS. In such circumstances, the new alternative may be added in the final EIS. For example:

A draft EIS for an oil field development project analyzed the effects of drilling 500, 1,000, and 5,000 wells. The addition of a 3,000-well alternative could be analyzed in the final EIS without a supplemental draft EIS.

Supplementation is not appropriate when new information or changed circumstances arise after the Federal action has been implemented. If the new information or changed circumstances impedes the use of the EIS for subsequent tiering for future decision-making, prepare a new EIS or EA and incorporate by reference relevant material from the old EIS. For example:

An EIS for an oil field development project is prepared and a decision issued. EAs or EISs prepared for subsequent applications of permit to drill (if they cannot be categorically excluded) are tiered to the field development EIS. New drilling technology developed after the preparation of the EIS results in significant impacts not analyzed in the field development EIS. These changed circumstances do not require that the field development EIS be supplemented. However, because the EAs or EISs for applications of permit to drill need the EIS for tiering, you may wish to prepare a new field development EIS.

When new circumstances or information arise prior to the implementation of the Federal action, but your evaluation concludes that they would not result in significant effects outside the range of effects already analyzed, document your conclusion and the basis for it. If the new circumstances or information arise after publication of a draft EIS, document your conclusion in the final EIS. If the new circumstances or information arise after publication of the final EIS, document your conclusion in the ROD.

5.3.3 The Supplementation Process

Supplemental EISs will vary in scope and complexity depending upon the nature of the proposed changes or new information or circumstances. Supplemental EISs are prepared, circulated, and filed with the same requirements as EISs, except that supplemental EISs do not require scoping ([40 CFR 1502.9](#)) (see section 9.5, *Supplements to Draft and Final EISs*). A supplemental EIS may incorporate by reference the relevant portions of the EIS being supplemented or may circulate the entire EIS along with the supplemental EIS.

When a supplement is prepared after circulation of a draft EIS, but before preparation of a final EIS, you must prepare and circulate a draft supplemental EIS and then prepare a final EIS. When a supplement is prepared after circulation of a final EIS, you must prepare and circulate a draft supplemental EIS and then prepare and circulate a final supplemental EIS, unless alternative procedures are approved by the CEQ ([40 CFR 1502.9\(c\)\(4\)](#)). Consult with the OEPC and the Office of the Solicitor before proposing alternative arrangements to the CEQ.

5.4 ADOPTING ANOTHER AGENCY'S NEPA ANALYSES

If an EIS or EA prepared by another agency is relevant to a BLM proposed action, you may prepare a new EIS or EA and incorporate by reference the applicable portions of the other agency's document (see section 5.2.1, *Incorporation by Reference*). Or you may adopt an EIS or EA prepared by another agency, after following certain steps described below.

5.4.1 Adopting Another Agency's EIS

You may use another agency's EIS for BLM decision-making after adopting the EIS. "An agency may adopt a Federal draft or final [EIS] or portion thereof provided that the statement or portion thereof meets the standards for an adequate statement under these [the CEQ] regulations" ([40 CFR 1506.3\(a\)](#)). Adopting another agency's EIS reduces paperwork, eliminates duplication, and makes the process more efficient. You may adopt an EIS that meets all CEQ, DOI, and BLM requirements for preparation of an EIS. You must prepare your own ROD on adopted EISs (Question 30, [CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981](#)).

If the BLM is a cooperating agency in the preparation of an EIS, you may adopt it without recirculating the EIS if you conclude that your comments and suggestions have been satisfied ([40 CFR 1506.3\(c\)](#)). For example:

The Forest Service, with the BLM as a cooperator, prepared an EIS for the Biscuit Fire Recovery Project, which addressed actions on both Forest Service and BLM-managed lands in Oregon. The BLM adopted the EIS and prepared a separate ROD for actions on BLM-managed lands.

If the BLM is not a cooperating agency in the preparation of an EIS, you may adopt it after recirculating the document consistent with the following requirements:

- If the BLM proposed action is substantially the same as the action covered by the other agency's EIS, you can adopt the EIS after recirculating the document as a final EIS. When recirculating the final EIS, you must identify the BLM proposed action ([40 CFR 1506.3\(b\)](#)).
- If the BLM adopts an EIS that is not final within the agency that prepared it, or if the action the EIS assesses is the subject of a referral or if the adequacy of the EIS is the subject of judicial action that is not final, the BLM must indicate its status in the recirculated draft and final EIS ([40 CFR 1506.3\(c\)](#)).

5.4.2 Adopting Another Agency's EA

You may use another agency's EA for a BLM FONSI and BLM decision-making after adopting the EA, consistent with the following requirements ([see *CEQ Guidance Regarding NEPA Regulations*, 48 Fed. Reg. 34263 \(July 28, 1983\)](#)):

- The BLM must independently evaluate the information contained in the EA, and take full responsibility for its scope and content. You must evaluate the information contained in the EA to ensure that it adequately addresses environmental impacts of the BLM's proposed action and ensure that the EA to be adopted satisfies the BLM's own NEPA procedures. If the BLM has acted as a cooperating agency, you must ensure that any concerns which it has raised during the process of preparing the EA have been adequately addressed ([CEQ Guidance Regarding NEPA Regulations, 48 Fed. Reg. 34263 \(July 28, 1983\)](#)). An interdisciplinary team may be useful in evaluating another agency's EA for adoption.
- If you conclude that environmental impacts are adequately addressed, you must issue your own FONSI to document your formal adoption of the EA, and your conclusions regarding the adequacy of the EA ([CEQ Guidance Regarding NEPA Regulations, 48 Fed. Reg. 34263 \(July 28, 1983\)](#)). In certain limited circumstances, you must publish or otherwise make the FONSI available for public review for thirty days (see section **8.4.2, *The Finding of No Significant Impact***).
- You must prepare your own decision record in accordance with program-specific requirements following adoption of the EA and the issuance of the FONSI (see section **8.5, *The Decision Record***).

CHAPTER 6—NEPA ANALYSIS

General

- 6.1 Outline of Analytical Steps
- 6.2 Purpose and Need
- 6.3 Scoping
- 6.4 Issues
- 6.5 Proposed Action
- 6.6 Alternatives Development
- 6.7 Affected Environment and Use of Relevant Data
- 6.8 Environmental Effects
- 6.9 Public Involvement and Responding to Comments

GENERAL

There are a variety of ways to comply with the NEPA; the scope of your analysis and documentation will depend on your proposal and its environmental effects. This chapter is broadly focused on NEPA analysis, not on documentation requirements. The CEQ regulations prescribe specific steps for the preparation of an EIS. The process of preparing an EA is more flexible. This chapter describes NEPA concepts and outlines typical steps of NEPA analysis. For detailed documentation and format requirements for EAs and EISs, see **Chapter 8, *Preparing an Environmental Assessment*** and **Chapter 9, *Preparing an Environmental Impact Statement***.

While the NEPA process is much the same for all BLM actions, some programs have specific requirements for NEPA analysis. Become aware of and consult program-specific guidance when beginning the NEPA process.

6.1 OUTLINE OF ANALYTICAL STEPS

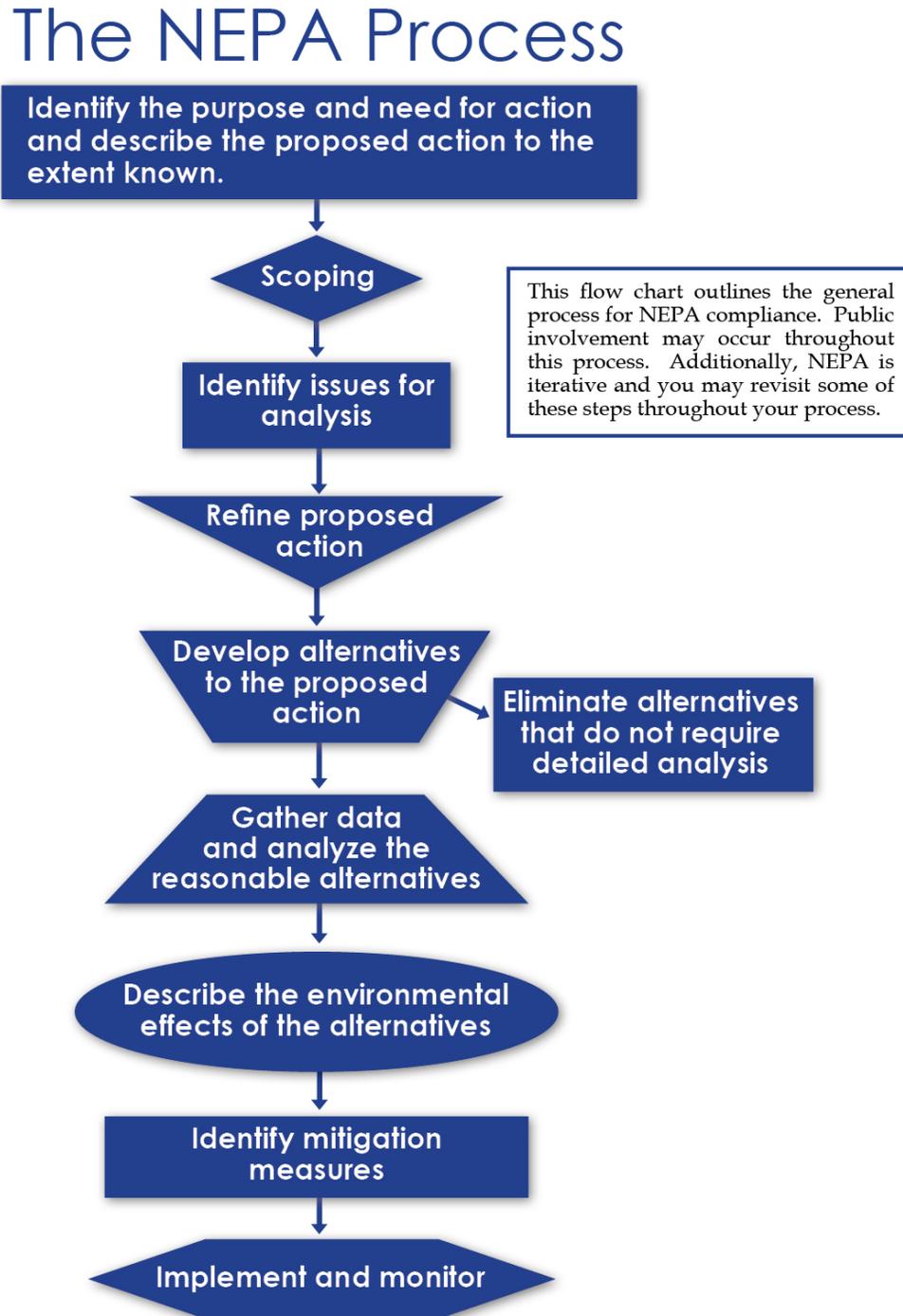
For an internally generated project (one in which the BLM is developing the proposed action), the usual analytical steps for an EA or EIS are as follows:

- Identify the purpose and need for action and describe the proposed action to the extent known.
- Develop a scoping strategy and conduct scoping.
- Identify issues requiring analysis.
- Refine the proposed action.
- Develop reasonable alternatives to the proposed action.
- Identify, gather and synthesize data.
- Analyze and disclose the impacts of each alternative.
- Identify potential mitigation measures to reduce adverse impacts.

Many of these steps are iterative; for example, developing alternatives may lead to the identification of additional issues requiring analysis. At several points in the process, you may loop back to an earlier step to make refinements.

For an externally generated project (one in which a non-BLM party has developed a proposed action), the analysis steps are the same except that the first step in the process is when you accept a proposal regarding an action to be taken, and move forward into NEPA analysis.

Figure 6.1 The NEPA Process



6.2 PURPOSE AND NEED

The CEQ regulations direct that an EIS “...shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action” ([40 CFR 1502.13](#)). The CEQ regulations also direct that EAs “...shall include brief discussions of the need for the proposal...” ([40 CFR 1508.9\(b\)](#)).

The CEQ regulations do not differentiate the “purpose” of the action from the “need” for the action. However, distinguishing the “purpose” and the “need” as two separate aspects of the purpose and need statement may help clarify why the BLM is proposing an action. For many types of actions, the “need” for the action can be described as the underlying problem or opportunity to which the BLM is responding with the action. The “purpose” can be described as a goal or objective that we are trying to reach. Often, the “purpose” can be presented as the solution to the problem described in the “need” for the action. *For example, the “need” for a culvert replacement project might describe how the existing culvert blocks fish passage; the “purpose” might be to replace the culvert with one that allows fish passage.*

Regardless of whether the “purpose” and the “need” are treated as distinct or synonymous, the purpose and need statement as a whole describes the problem or opportunity to which the BLM is responding and what the BLM hopes to accomplish by the action.

We recommend that the purpose and need statement be brief, unambiguous, and as specific as possible. Although the purpose and need statement cannot be arbitrarily narrow, you have considerable flexibility in defining the purpose and need for action. To the extent possible, construct the purpose and need statement to conform to existing decisions, policies, regulation, or law. The purpose and need for the action is usually related to achieving goals and objectives of the LUP; reflect this in your purpose and need statement.

The purpose and need statement for an externally generated action must describe the BLM purpose and need, not an applicant’s or external proponent’s purpose and need ([40 CFR 1502.13](#)). The applicant’s purpose and need may provide useful background information, but this description must not be confused with the BLM purpose and need for action. The BLM action triggers the NEPA analysis. It is the BLM purpose and need for action that will dictate the range of alternatives and provide a basis for the rationale for eventual selection of an alternative in a decision. [See the Web Guide for examples of purpose and need statements.](#)

The purpose and need statement should explain why the BLM is proposing action. Note that you must describe the purpose and need for the **action**, not the purpose and need for the document.

6.2.1 The Role of the Purpose and Need Statement

We recommend that you draft your purpose and need statement early in the NEPA process. Including a draft purpose and need statement with scoping materials will help focus internal and external scoping comments. Reexamine and update your purpose and need statement as appropriate throughout the NEPA process, especially when refining the proposed action and developing alternatives.

A carefully crafted purpose and need statement can be an effective tool in controlling the scope of the analysis and thereby increasing efficiencies by eliminating unnecessary analysis and reducing delays in the process. The purpose and need statement dictates the range of alternatives, because action alternatives are not “reasonable” if they do not respond to the purpose and need for the action (see section **6.6.1, Reasonable Alternatives**). The broader the purpose and need statement, the broader the range of alternatives that must be analyzed. The purpose and need statement will provide a framework for issue identification and will form the basis for the eventual rationale for selection of an alternative. Generally, the action alternatives will respond to the problem or opportunity described in the purpose and need statement, providing a basis for eventual selection of an alternative in a decision.

*For example, in the culvert replacement example above (see section **6.2, Purpose and Need**), the scope of the analysis would be narrowed by describing a more specific “purpose” of replacing the existing culvert to allow cutthroat trout fish passage in the spring; reasonable alternatives might include analyzing various culvert sizes, or moving the culvert. Conversely, the scope of the analysis would be broadened by describing a more general “purpose” of improving fish passage; reasonable alternatives might include culvert removal and road decommissioning.*

Examples of purpose and need statements and related decisions are found in the next section, **6.2.2, The Decision to be Made**, and examples of combined and separated purpose and need statements can be found in the Web Guide.

6.2.2 The Decision to be Made

You may include in the purpose and need statement a description of your decision(s) to be made based on the NEPA analysis. Tying the purpose and need for your proposal to your decision helps establish the scope for the NEPA analysis. A clear explanation of the decision(s) at hand is also helpful in public involvement; it helps to set expectations and explain the focus of the BLM’s NEPA analysis. In describing the BLM’s decision(s) to be made, you must retain the flexibility to select among alternatives that meet the purpose and need, and are within the BLM’s jurisdiction (40 CFR 1506.1(a)(2)). As with the purpose and need, the description of the decision(s) to be made may be broad or narrow.

For externally generated actions, the description of the decision(s) to be made helps differentiate your role in the action from the external proponent's role. For NEPA documents prepared with cooperating agencies with jurisdiction by law, we recommend that you explicitly identify the decisions to be made by each agency (see section 12.1, *Cooperating Agency Status in Development of NEPA Documents*).

Jurisdiction by law means another governmental entity (Tribal, Federal, State, or local agency) has authority to approve, veto, or finance all or part of a proposal ([40 CFR 1508.15](#)). The CEQ regulations provide for establishing a cooperating agency relationship with such entities in development of a NEPA analysis document.

Examples:

The following examples are adapted from actual BLM actions. These are not intended to provide a template to be copied, but as examples for general consideration. Because the purpose and need statement controls the scope of the analysis and is directly tied to the eventual rationale for selection, it is important that the purpose and need statement be tailored to the specific action in question.

An externally generated implementation action. *The purpose of the action is to provide the owners of private land located in Township X South, Range X West, Section X, with legal access across public land managed by the BLM. The need for the action is established by the BLM's responsibility under FLPMA to respond to a request for a Right-of-Way Grant for legal access to private land over existing BLM roads and a short segment of new road to be constructed across public land.*

Decision to be made: The BLM will decide whether or not to grant the right of way, and if so, under what terms and conditions.

An internally generated implementation action. *The purpose of the action is to modify current grazing practices on the X Allotment by adjusting timing and levels of livestock use so that progress can be made toward meeting the fundamentals of rangeland health. The need for the action is that fundamentals of rangeland health are not being met for watersheds, riparian areas, and threatened and endangered plants in the X Allotment, based on a current assessment. Active erosion is evident and exotic annual grasses dominate the understory. The assessment found that current livestock grazing management practices do not meet the fundamentals of rangeland health.*

Decision to be made: The BLM will decide whether or not to issue a grazing permit with modifications from the current permit.

A Land Use Plan revision. *(Note: this example is abbreviated from the detail that would customarily be appropriate for revision of an LUP). The purpose of the X Field Office LUP revision is to ensure that public lands are managed according to the principles of multiple use identified in FLPMA while maintaining the valid existing rights and other obligations already established. The need for the action is that changing resource demands and technology have changed the type and level of impacts to various resources, as detailed in the LUP evaluation. Specifically, the emergence of new exploration and extraction technologies in oil and gas*

development may result in impacts not previously analyzed. Alternatives will address the availability of unleased lands for future oil and gas leasing; potential stipulations to be attached to new leases or leases to be reoffered if existing leases are relinquished; and mitigation measures to be considered in reviewing applications for permits to drill. This need is limited, because most oil and gas resources in the planning area have already been leased, and the LUP revision will maintain valid existing rights. The LUP evaluation also noted other changes in resource conditions and uses that could result in impacts not previously analyzed.

Decision to be made: The BLM will revise the LUP and identify areas available for oil and gas leasing, leasing stipulations, and mitigation measures to consider in reviewing applications for permits to drill.

6.3 SCOPING

Scoping is the process by which the BLM solicits internal and external input on the issues, impacts, and potential alternatives that will be addressed in an EIS or EA as well as the extent to which those issues and impacts will be analyzed in the NEPA document. Although it is not required, you may also elect to scope for issues and impacts

“There shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. This process shall be termed scoping.” [\(40 CFR 1501.7\)](#)

associated with actions under CX or DNA review. Begin considering cumulative impacts during the scoping process; use scoping to begin identifying actions by others that may have a cumulative effect with the proposed action, and identifying geographic and temporal boundaries, baselines and thresholds. Scoping also helps to begin identifying incomplete or unavailable information and evaluating whether that information is essential to a reasoned choice among alternatives.

Scoping is one form of public involvement in the NEPA process. Scoping occurs early in the NEPA process and generally extends through the development of alternatives. (The public comment period for a DEIS or public review of an EA are not scoping).

Developing the purpose and need statement will enhance the scoping process, even if you have not yet fully developed a proposed action. A preliminary purpose and need statement will allow BLM staff, other agencies, and the public to give more focused input on issues or the proposal. Additionally, sharing what is known about the No Action alternative and the consequences of not meeting the need for action may facilitate effective scoping comments.

6.3.1 Internal Scoping

Internal scoping is simply the use of BLM and cooperating agency staff to help determine what needs to be analyzed in a NEPA document. Internal scoping is an interdisciplinary process; at a minimum, use scoping to define issues, alternatives, and data needs. Additionally, this is an opportunity to identify other actions that may be analyzed in the same NEPA document. You may use internal scoping to:

- formulate and refine the purpose and need.
- identify any connected, cumulative, or similar actions associated with the proposal.
- start preparation for cumulative effects analysis.
- decide on the appropriate level of documentation.
- develop a public involvement strategy.
- decide other features of the NEPA process.

6.3.2 External Scoping

External scoping involves notification and opportunities for feedback from other agencies, organizations, tribes, local governments, and the public. You do not need to conduct external scoping at the same time as internal scoping; frequently you first conduct some internal scoping to develop a preliminary range of alternatives and issues. These alternatives and issues may then be shared during external scoping, and you will likely build upon these preliminary issues as scoping continues.

External scoping can be used to identify coordination needs with other agencies; refine issues through public, tribal and agency feedback on preliminary issues; and identify new issues and possible alternatives. Tribal consultation centers on established government-to-government relationships, and it is important that you allow sufficient time and use the appropriate means of contacting tribes when conducting scoping. External scoping serves to build agency credibility and promote constructive dialogue and relations with tribes, agencies, local governments and the public.

The CEQ regulations mandate external scoping for EISs, and such scoping has formal requirements (see section **9.1.3, *Scoping***). The time-limited scoping period that follows the publication of a Notice of Intent to prepare an EIS is referred to as formal scoping. However, you should not limit scoping for an EIS to the formal scoping period.

External scoping for EAs is optional. See section **8.3.3, *Scoping and Issues*** for a discussion of when external scoping is appropriate for an EA.

External scoping may help identify alternatives to the proposed action, as well as refine the proposed action. External scoping may result in refinement of issues for analysis. Preliminary issues may be clarified and new issues identified in the external scoping process. You will use external scoping to begin identifying past, present, and reasonably foreseeable actions by others that could have a cumulative effect together with the BLM action (see section **6.8.3.4, *Past, Present, and Reasonably Foreseeable Actions***). External scoping can be used to identify permits, surveys, or consultations required by other agencies. Scoping may also generate information that may be used during the permitting or consultation process.

External scoping methods include but are not limited to: *Federal Register* notices, public meetings, field trips, direct mailing, media releases, newsletters, NEPA registers, and email notifications. You may also seek help from other agencies, organizations, tribes, local governments, and the public in identifying interested parties that may not yet have been reached by scoping efforts.

6.4 ISSUES

The CEQ regulations provide many references to “issues,” though the regulations do not define this term explicitly. At [40 CFR 1501.7\(a\)\(2\)](#), [40 CFR 1501.7\(a\)\(3\)](#), [40 CFR 1502.1](#) and [1502.2\(b\)](#), the CEQ explains that issues may be identified through scoping and that only significant issues must be the focus of the environmental document. Significant issues are those related to significant or potentially significant effects (see section **7.3, *Significance***).

For the purpose of BLM NEPA analysis, an “issue” is a point of disagreement, debate, or dispute with a proposed action based on some anticipated environmental effect. An issue is more than just a position statement, such as disagreement with grazing on public lands. An issue:

- has a cause and effect relationship with the proposed action or alternatives;
- is within the scope of the analysis;
- has not been decided by law, regulation, or previous decision; and
- is amenable to scientific analysis rather than conjecture.

Issues point to environmental effects; as such, issues can help shape the proposal and alternatives. (For externally generated proposals, the proposed action is not developed through scoping, but other action alternatives are). Issues may lead to the identification of design features that are incorporated into the proposed action (see section **6.5.1.1, *Design Features of the Proposed Action***) or mitigation measures (see section **6.8.4, *Mitigation and Residual Effects***).

“Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail.” [\(40 CFR 1500.1\(b\)\)](#)

6.4.1 Identifying Issues for Analysis

Preliminary issues are frequently identified during the development of the proposed action through internal and external scoping. Additionally, supplemental authorities that provide procedural or substantive responsibilities relevant to the NEPA process may help identify issues for analysis. See **Appendix 1, *Supplemental Authorities to be Considered***, for a list of some common supplemental authorities. There is no need to make negative declarations regarding resources described in supplemental authorities that are not relevant to your proposal at hand.

While many issues may arise during scoping, not all of the issues raised warrant analysis in an EA or EIS. Analyze issues raised through scoping if:

- Analysis of the issue is necessary to make a reasoned choice between alternatives. That is, does it relate to how the proposed action or alternatives respond to the purpose and need? (See section **6.6, *Alternatives Development***).
- The issue is significant (an issue associated with a significant direct, indirect, or cumulative impact, or where analysis is necessary to determine the significance of impacts).

When identifying issues to be analyzed, it is helpful to ask, “Is there disagreement about the best way to use a resource, or resolve an unwanted resource condition, or potentially significant effects of a proposed action or alternative?” If the answer is “yes,” you may benefit from subjecting the issue to analysis.

Entire resources cannot be issues by themselves, but concerns over how a resource may be affected by the proposal can be issues.

It is useful to phrase issues in the form of questions, as this can help maintain the focus of the analysis, which would need to answer the questions. For example:

The BLM is analyzing the construction and operation of a wind farm on public lands. “Wildlife” is not considered an issue—this is too broad for reasonable analysis, and it is not clearly related to the effects of the action. We suggest, “What would be the effect of the alternatives on sage grouse nesting?” as a more explicit issue statement.

[The Web Guide contains examples of issues identified for analysis.](#)

6.4.2 Issues Not Analyzed

You need not analyze issues associated with the proposed action that do not meet the criteria described in section 6.4.1., *Identifying Issues for Analysis*. We recommend that you document such externally generated issues along with rationale for not analyzing them in the administrative record or in the EA or EIS itself. You have more flexibility in tracking internally generated issues. For example, in a preliminary brainstorming session, it may not be important to record all issues raised. However, if after careful and detailed consideration you determine not to analyze an internally-generated issue, we recommend that you document the reasons in the administrative record, or in the EA or EIS. The detail used to explain why an issue was not analyzed is largely dependent on how the issue was presented and why you are not analyzing it. [See the Web Guide for an example of how issues not analyzed can be treated in a NEPA document.](#)

6.5 PROPOSED ACTION

The CEQ regulations state that a “proposal” exists at that stage in the development of an action when an agency subject to the NEPA has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the effects can be meaningfully evaluated ([40 CFR 1508.23](#)). A “proposed action” may be described as a proposal for the BLM to authorize, recommend, or implement an action to address a clear purpose and need, and may be generated internally or externally.

When developing the proposed action, it is important to understand how it will be used in the environmental analysis. You can use a preliminary description of the proposed action during scoping to focus public involvement. The proposed action is one possible option to meet the purpose and need. Alternatives are developed to consider different reasonable paths to take to accomplish the same purpose and need as the proposed action.

The level of detail used to describe a proposed action will vary by the nature and stage of the project. For example, the level of detail available at the beginning of a project may be very limited, but details will be better defined after scoping. The details and description of a proposed action in a programmatic analysis will be different than one in the analysis of a site-specific implementation action. The level of detail used in describing the proposed action will influence the specificity of the analysis and the assumptions made in analyzing the environmental consequences. [The Web Guide contains example descriptions of Proposed Actions.](#)

6.5.1 Description of the Proposed Action

A detailed description of the proposed action at the outset of the analysis process is beneficial for many reasons. Clearly described proposed actions can result in:

- more focused and meaningful public input.
- more focused and meaningful internal (BLM) participation.
- more complete identification of issues.
- development of reasonable alternatives.
- sound analysis and interpretation of effects.
- focused analysis.
- a sound and supportable decision.

Detailed descriptions of proposed actions usually include five elements:

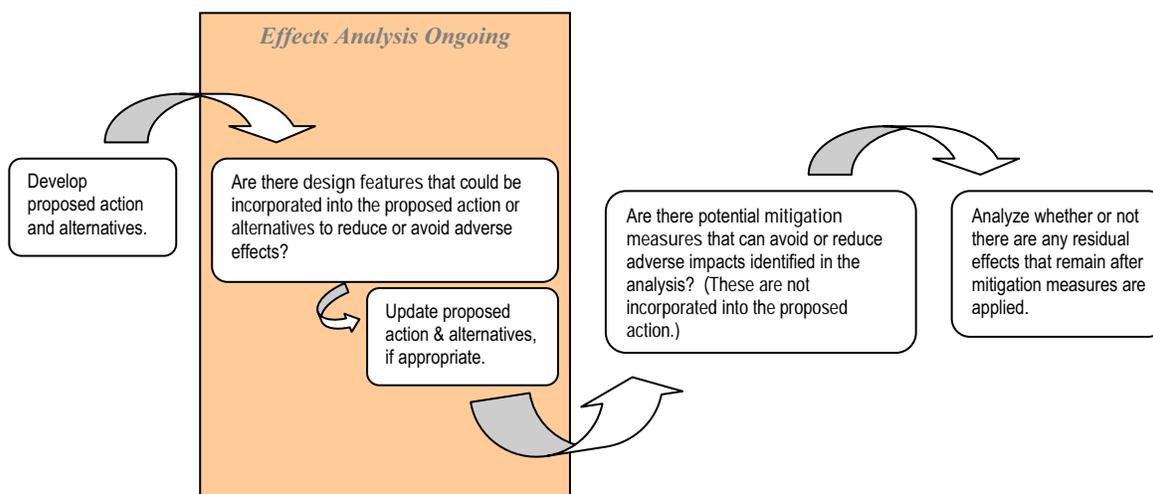
1. **Who** “Who” is the Federal agency that is going to guide the analysis and make the decision. Even for externally proposed projects, you will be making the decision to authorize or recommend an action. For externally proposed projects, it is important to identify the external proponent and their role in implementing your decision.
2. **What** “What” is the specific activity or activities proposed. You must provide sufficient detail in the description of the activities so that the effects of the proposed action may be compared to the effects of the alternatives, including the No Action alternative ([40 CFR 1502.14\(b\)](#)). That comparison provides the clear basis for choice by the decision-maker.
3. **How** “How” relates to the specific means by which the proposal would be implemented. Include project design features, including construction activities, operations, and schedules. It may also be appropriate to include maps, photographs, and figures. Means, measures, or practices to reduce or avoid adverse environmental impacts may be included in the proposed action as design features (see section **6.5.1.1, *Design Features of the Proposed Action***).
4. **When** “When” is the timeframe in which the project will be implemented and completed. If the proposed action has identifiable phases, describe the duration of those phases. The timing for monitoring integral to the proposed action should also be described.
5. **Where** “Where” is the location(s) where the proposed action will be implemented and should be described as specifically as possible. Maps at a relevant scale may be provided to support the narrative.

6.5.1.1 Design Features of the Proposed Action

Design features are those specific means, measures or practices that make up the proposed action and alternatives. You may identify design features, especially those that would reduce or eliminate adverse effects after the initial formulation of alternatives, as the impact analysis is being conducted. In this situation, you may add these design features to the proposed action or alternatives. Standard operating procedures, stipulations, and best management practices are usually considered design features. For example, *if the proposed action sites a reserve pit for drilling fluids away from areas of shallow groundwater, this is a design feature, not mitigation.*

Because the formulation of alternatives and the impact analysis is often an iterative process, you might not be able to identify the means, measures or practices until the impact analysis is completed. If any means, measures, or practices are not incorporated into the proposed action or alternatives, they are considered mitigation measures (see section 6.8.4, *Mitigation and Residual Effects*).

Figure 6.2 Design Features and Mitigation Measures



6.5.2 Defining the Scope of Analysis of the Proposed Action

After initial development of the proposed action, evaluate whether there are connected or cumulative actions that you must consider in the same NEPA document (40 CFR 1508.25). In addition, evaluate whether there are similar actions that you wish to discuss in a single NEPA document. The CEQ regulations refer only to an EIS in discussion of including connected, cumulative, and similar actions in a single EIS. For an EA, we recommend that you consider connected or cumulative actions in the same EA, and similar actions may be discussed at your discretion. Considering connected or cumulative actions in a single EA is particularly important in the evaluation of significance (see section 7.3, *Significance*).

6.5.2.1 Connected Actions

Connected actions are those actions that are “closely related” and “should be discussed” in the same NEPA document ([40 CFR 1508.25 \(a\)\(1\)](#)). Actions are connected if they automatically trigger other actions that may require an EIS; cannot or will not proceed unless other actions are taken previously or simultaneously; or if the actions are interdependent parts of a larger action and depend upon the larger action for their justification ([40 CFR 1508.25 \(a\)\(i, ii, iii\)](#)). Connected actions are limited to actions that are currently proposed (ripe for decision). Actions that are not yet proposed are not connected actions, but may need to be analyzed in cumulative effects analysis if they are reasonably foreseeable.

If the connected action is also a proposed BLM action, we recommend that you include both actions as aspects of a broader “proposal” ([40 CFR 1508.23](#)), analyzed in a single NEPA document. You may either construct an integrated purpose and need statement for both the proposed action and the connected action, or you may present separate purpose and need statements for the proposed action and the connected action. Regardless of the structure of the purpose and need statement(s), you must develop alternatives and mitigation measures for both actions ([40 CFR 1508.25\(b\)](#)), and analyze the direct, indirect, and cumulative effects of both actions ([40 CFR 1508.25\(c\)](#)).

For example,

The BLM proposes prescribed burning to attain desired vegetation characteristics. The BLM also proposes subsequent seeding of the same site to contribute to attaining those same desired vegetation characteristics, which is a connected action. We recommend that you include the prescribed burning and seeding as aspects of a broader proposal, analyzed in a single NEPA document.

If the connected action is an action proposed by another Federal agency, you may include both actions as aspects of a broader proposal analyzed in a single NEPA document, as described above. Evaluate whether a single NEPA document would improve the quality of analysis and efficiency of the NEPA process, and provide a stronger basis for decision-making. Also consider the timing of the other agency action and the capabilities of the other agency to act as a cooperating agency or joint lead agency (see sections **12.1 Cooperating Agency Status in Development of NEPA Documents** and **12.2 Joint Lead Agencies in Development of NEPA Documents**).

For example,

The BLM proposes constructing a trail to provide recreation access to BLM-managed lands from a campground the Forest Service proposes to construct on adjacent Forest Service lands. The Forest Service campground construction is a connected action. You and the Forest Service may elect to include the BLM trail construction and the Forest Service campground construction as aspects of a broader proposal, analyzed in a single NEPA document, either as joint lead agencies, or with one agency as lead and the other as cooperating.

If you do not include the connected action with the proposed action as aspects of a broader proposal analyzed in a single NEPA document, you must, at a minimum, demonstrate that you have considered the connected action in the NEPA document for the proposed action ([40 CFR 1508.25](#)) (i.e., describe the connected action and its relationship to the proposed action, including the extent to which the connected action and its effects can be prevented or modified by BLM decision-making on the proposed action). In this case, a separate NEPA document would need to be prepared for the connected action. It may be useful to incorporate by reference portions of the NEPA document completed for the connected action, if available, into the NEPA document for the proposed action.

A non-Federal action may be a connected action with a BLM proposed action. The consideration of a non-Federal connected action is limited in your NEPA analysis, because the NEPA process is focused on agency decision making ([40 CFR 1500.1\(c\)](#), [40 CFR 1508.18](#), [40 CFR 1508.23](#)). Therefore, you are not required to include a non-Federal connected action together with a BLM proposed action as aspects of a broader proposal, analyzed in a single NEPA document. Proposals are limited to Federal actions ([40 CFR 1508.23](#)). You would not have to develop or present the purpose and need for the non-Federal action, and you are not required to consider alternatives available to the non-Federal party for its action. If there are effects on BLM managed resources, it may be useful to develop and suggest alternatives or mitigation for those non-Federal connected actions (see **section 6.8.4, *Mitigation and Residual Effects***).

As with a Federal connected action, you must, at a minimum, demonstrate that you have considered the non-Federal connected action in the NEPA document for the proposed action ([40 CFR 1508.25](#)) (i.e., describe the connected action and its relationship to the proposed action, including the extent to which the connected action and its effects can be prevented or modified by BLM decision-making on the proposed action).

If the connected non-Federal action and its effects can be prevented by BLM decision-making, then the effects of the non-Federal action are properly considered indirect effects of the BLM action and must be analyzed as effects of the BLM action ([40 CFR 1508.7](#), [40 CFR 1508.25\(c\)](#)).

For example,

You receive a right-of-way request from a private company to build a road across BLM-managed land to provide access to adjacent private land, on which the company plans to create and operate a quarry. The creation and operation of the quarry cannot proceed unless the road is constructed. The road cannot be constructed without the grant by BLM of a right-of-way. The grant of the right-of-way must be analyzed as a BLM action: the BLM can grant or deny the right-of-way request. The construction of the road and the creation and operation of the quarry are connected actions.

Alternatives: You must analyze the proposed action of granting the right-of-way, and consider the alternative of denying the right-of-way (the No Action alternative) and any other reasonable alternatives related to the right-of-way request. Because the construction of the road, and the creation and operation of the quarry would not be BLM actions, you do not need to consider alternatives to the road construction and creation and operation of the quarry.

***Direct and Indirect Effects:** You must analyze the direct and indirect effects of granting the right-of-way. You must also analyze the direct and indirect effects of constructing the road and creating and operating the quarry, because these effects could be prevented by a BLM decision to deny the right-of-way request, and therefore are properly considered indirect effects of the BLM right-of-way grant.*

***Cumulative Effects:** You must analyze the cumulative impact of the right-of-way grant, the road construction, and quarry creation and operation, taking into account the effects in common with any other past, present, and reasonably foreseeable future actions.*

If the connected non-Federal action cannot be prevented by BLM decision-making, but its effects can be modified by BLM-decision-making, then the changes in the effects of the connected non-Federal action must be analyzed as indirect effects of the BLM proposed action. Effects of the non-Federal action that cannot be modified by BLM-decision-making may still need to be analyzed in the cumulative effects analysis for BLM action, if they have a cumulative effect together with the effects of the BLM action (see section **6.8.3 Cumulative Effects**).

For example,

You receive a right-of-way request from a private company to build a road across BLM-managed land to provide access to adjacent private land, on which the company plans to create and operate a quarry. In contrast to the example above, the creation and operation of the quarry could proceed with other, reasonably foreseeable, road access. However, conditions on the grant by BLM of a right-of-way could modify the effects of the quarry creation and operation (e.g., right-of-way conditions limiting the amount and timing of haul could alter the timing of quarry creation activities and consequent effects). The grant of the right-of-way must be analyzed as a BLM action. The effects of the road construction must be analyzed as indirect effects of the BLM right-of-way grant. The changes in the effects of the quarry creation and operation must be analyzed as indirect effects of the conditions on the BLM right-of-way grant. The unchanged effects of the quarry creation and operation would be analyzed in the cumulative effects analysis for the BLM action to the extent they would have a cumulative effect together with the effects of the BLM action.

If the non-Federal action cannot be prevented by BLM decision-making and its effects cannot be modified by BLM decision-making, the effects of the non-Federal action may still need to be analyzed in the cumulative effects analysis for BLM action, if they have a cumulative effect together with the effects of the BLM action (see section **6.8.3 Cumulative Effects**). While analysis of the effects of these non-Federal actions provides context for the analysis of the BLM action, their consideration in the determination of the significance of the BLM action is limited (see section **7.3, Significance**).

For example,

You receive a right-of-way request from a private company to build a road across BLM-managed land to provide access to adjacent private land, on which the company plans to create and operate a quarry. The creation and operation of the quarry could proceed with other, reasonably foreseeable, road access. Conditions on the grant by BLM of a right-of-way would not modify the effects of the quarry creation and operation. The grant of the right-of-way must be analyzed as a BLM action. The road construction is a connected action, and its effects must be analyzed as indirect effects of the BLM right-of-way grant. However, the quarry creation and operation are not connected actions; their effects would be analyzed in the cumulative effects analysis for the BLM action to the extent they would have a cumulative effect together with the effects of the BLM action.

6.5.2.2 Cumulative Actions

Cumulative actions are proposed actions which potentially have a cumulatively significant impact together with other proposed actions and “should be discussed” in the same NEPA document ([40 CFR 1508.25\(a\)\(2\)](#)).

If the cumulative action is a BLM or other Federal proposed action, you may include both actions as aspects of a broader proposal, analyzed in a single NEPA document, as described above for connected actions.

For example,

The BLM proposes construction of a campground to enhance developed recreation opportunities. The campground construction would contribute sediment to a nearby stream. Separately, the BLM proposes a culvert replacement to remove a fish passage barrier. The culvert replacement would contribute sediment to the same stream. The culvert replacement is a cumulative action to the campground construction campground construction and culvert replacement. You may include the campground construction and culvert replacement as aspects of a broader proposal, analyzed in a single NEPA document. In this case, separate purpose and need statements for the campground construction and culvert replacement would likely be more appropriate than attempting to create a single, integrated purpose and need statement.

If you do not include the cumulative action with the proposed action as aspects of a broader proposal analyzed in a single NEPA document, you must, at a minimum, demonstrate that you have considered the cumulative action in the NEPA document for the proposed action ([40 CFR 1508.25](#)):

- describe the cumulative action; and
- include analysis of the effects of the cumulative action in the cumulative effects analysis of the proposed action.

It may be useful to incorporate by reference portions of the NEPA document completed for the cumulative action, if available, into the NEPA document for the proposed action.

Non-Federal actions which potentially have a cumulatively significant impact together with the proposed action must be considered in the same NEPA document ([40 CFR 1508.25](#)). Identifying an action as a cumulative non-Federal action is a component of your cumulative effects analysis of the proposed action (see section **6.8.3, *Cumulative Effects***).

6.5.2.3 Similar Actions

Similar actions are proposed or reasonably foreseeable Federal actions that have similarities that provide a basis for evaluating their environmental consequences together with the proposed action ([40 CFR 1508.25\(a\)\(3\)](#)). Similarities are not limited to type of action; such similarities include, for instance, common timing or geography. You may include similar proposed actions as aspects of a broader proposal, analyzed in a single NEPA document, as described above for connected and cumulative actions, when a single NEPA document would improve the quality of analysis and efficiency of the NEPA process, and provide a stronger basis for decision-making

If other Federal actions with a common timing or geography are interdependent with the proposed action, they would be considered as connected actions (see section **6.5.2.1, *Connected Actions***). If other Federal actions with common timing or geography would have a cumulative effect together with the proposed action, they would be considered as cumulative actions (see section **6.5.2.2, *Cumulative Actions***).

If you include similar actions as aspects of a broader proposal, analyzed in a single NEPA document, evaluate the purpose and need and the range of alternatives to ensure that they adequately address the similar actions.

6.6 ALTERNATIVES DEVELOPMENT

6.6.1 Reasonable Alternatives

The NEPA directs the BLM to “study, develop, and describe appropriate alternatives to recommended courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources;...” (NEPA Sec102(2)(E)).

The range of alternatives explores alternative means of meeting the purpose and need for the action. As stated in section **6.2.1, *The Role of the Purpose and Need Statement***, the purpose and need statement helps define the range of alternatives. The broader the purpose and need statement, the broader the range of alternatives that must be analyzed. You must analyze those alternatives necessary to permit a reasoned choice ([40 CFR 1502.14](#)). For some proposals there may exist a very large or even an infinite number of possible reasonable alternatives. When there are potentially a very large number of alternatives, you must analyze only a reasonable number to cover the full spectrum of alternatives (see [Question 1b, CEQ, *Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981*](#)). When working with cooperating agencies, your range of alternatives may need to reflect the decision space and authority of other agencies, if decisions are being made by more than one agency.

In determining the alternatives to be considered, the emphasis is on what is "reasonable" rather than on whether the proponent or applicant likes or is itself capable of implementing an alternative. "Reasonable alternatives include those that are *practical or feasible* from the technical and economic standpoint and using common sense, rather than simply *desirable* from the standpoint of the applicant." ([Question 2a, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981](#)). You can only define whether an alternative is "reasonable" in reference to the purpose and need for the action. See **Chapter 8, Preparing an Environmental Assessment** and **Chapter 9, Preparing an Environmental Impact Statement** for discussion of reasonable alternatives for an EA and EIS. For externally generated action, the range of alternatives will typically include at least denying the request (No Action); approving the request as the proponent proposed; or approving the request with changes BLM makes to the proponent's proposal.

For example,

An EIS for an oil field development project has a purpose and need which (in abbreviated form) is to determine whether to permit oil exploration and development within the project area consistent with existing leases and to develop practices for oil development consistent with the land use plan. The EIS would typically analyze at least the following alternatives:

- *No Action, which would entail no new drilling beyond what is currently permitted;*
- *The proponent's proposal for field development; and*
- *The proponent's proposal with additional or different design features recommended by the BLM to reduce environmental effects. This alternative would include design features that differ from the proponent's proposal, such as alternative well locations, alternative access routes, additional timing or spacing constraints, offsite mitigation, different methods for treating produced water, horizontal well drilling, or other technologies.*

In some situations it may be appropriate for you to analyze a proposed action or alternative that may be outside the BLM's jurisdiction ([Question 2b, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981](#)). Such circumstances would be exceptional and probably limited to the broadest, most programmatic EISs that would involve multiple agencies. For most actions, we recommend that the purpose and need statement be constructed to reflect the discretion available to the BLM, consistent with existing decisions and statutory and regulatory requirements; thus, alternatives not within BLM jurisdiction would not be "reasonable."

Note: Though not required, a manager may elect to analyze in detail an alternative that might otherwise be eliminated to assist in planning or decision-making. In such cases, explain in the NEPA document why you are electing to analyze the alternative in detail.

6.6.1.1 Developing Alternatives Under The Healthy Forests Restoration Act

The [Healthy Forests Restoration Act of 2003 \(HFRA\)](#) (P.L. 108-148) contains provisions for expedited environmental analysis of projects implemented under its authority. For authorized projects (see [HFRA Section 102](#) to determine which projects are authorized), HFRA allows fewer alternatives to be analyzed compared with that which CEQ regulations prescribe.

For areas within the wildland–urban interface and within 1.5 miles of the boundary of an at-risk community (as defined in [Section 101 of HFRA](#)), you are not required to analyze any alternative to the proposed action, with one exception: if the at-risk community has adopted a Community Wildfire Protection Plan and the proposed action does not implement the recommendations in the plan regarding the general location and basic method of treatments, you are required to analyze the recommendations in the plan as an alternative to the proposed action.

For areas within the wildland–urban interface, but farther than 1.5 miles from the boundary of an at-risk community, you are not required to analyze more than the proposed action and one additional action alternative.

For the two previous scenarios, you are not required to present a separate section called the “No Action alternative.” However, you must document the current and future state of the environment in the absence of the proposed action. This constitutes consideration of a No Action Alternative. Document this in your purpose and need section ([HFRA 104\(d\)](#)).

For authorized HFRA projects in all other areas, the analysis must describe the proposed action, a No Action alternative, and an additional action alternative, if one is proposed during the scoping or collaboration process.

Additional information on HFRA can be obtained from the Healthy Forests Initiative and Healthy Forests Restoration Act Interim Field Guide, February 2004 ([see the Web Guide](#)).

6.6.2 No Action Alternative

The CEQ regulations direct that EISs describe the No Action alternative ([40 CFR 1502.14\(d\)](#)). HFRA, however, removes this regulatory requirement for actions taken under its authority (see section **6.6.1.1, *Developing Alternatives Under the HFRA***). The No Action alternative is the only alternative that must be analyzed in an EIS that does not respond to the purpose and need for the action.

The No Action alternative provides a useful baseline for comparison of environmental effects (including cumulative effects) and demonstrates the consequences of not meeting the need for the action (see sections **8.3.4.2, *Alternatives in an EA***, and **9.2.7.1, *Reasonable Alternatives for an EIS*** for discussion of the No Action alternative for EAs and EISs).

The description of the No Action alternative depends on the type of action proposed:

- **For land use planning actions:** The No Action alternative is to continue to implement the management direction in the land use plan (i.e., the land use plan as written). Any other management approach should be treated as an action alternative. If, for example, plan evaluation identifies that implementation has not been in accordance with the management direction in the land use plan, you may consider continued non-conforming implementation as an action alternative, if it is a reasonable alternative (see section 6.1.1, *Reasonable Alternatives*).
- **For internally generated implementation actions:** the No Action alternative is not to take the action.
- **For externally generated proposals or applications:** the No Action alternative is generally to reject the proposal or deny the application. (The sole exception to this is for renewal of a grazing permit, for which the No Action alternative is to issue a new permit with the same terms and conditions as the expiring permit). The analysis of the No Action alternative must only analyze what is reasonably foreseeable if the application is denied (see [Question 3, CEO, Forty Most Asked Questions Concerning CEO's NEPA Regulations, March 23, 1981](#)).

The No Action alternative may constitute a benchmark at one end of the spectrum of alternatives. Therefore, defining the No Action alternative might require reference to the action alternatives that will be analyzed. A No Action alternative that is outside of BLM jurisdiction or contrary to law or regulation might be useful to consider as a baseline for comparison. *For example, when revising an LUP that has been implemented and subsequently found legally inadequate, analysis of continued management under that existing LUP might provide useful comparison in the analysis of the action alternatives in the revised LUP.* [The Web Guide provides some examples of No Action alternatives.](#)

6.6.3 Alternatives Considered but Eliminated From Detailed Analysis

If you consider alternatives during the EIS process but opt not to analyze them in detail, you must identify those alternatives and briefly explain why you eliminated them from detailed analysis ([40 CFR 1502.14](#)). Explain why you eliminated an alternative proposed by the public or another agency from detailed analysis. We recommend you do the same in an EA. [See the Web Guide for examples of “alternatives considered but eliminated from detailed analysis.”](#)

You may eliminate an action alternative from detailed analysis if:

- it is ineffective (it would not respond to the purpose and need).
- it is technically or economically infeasible (consider whether implementation of the alternative is likely given past and current practice and technology; this does not require cost-benefit analysis or speculation about an applicant’s costs and profits).
- it is inconsistent with the basic policy objectives for the management of the area (such as, not in conformance with the LUP).
- its implementation is remote or speculative.
- it is substantially similar in design to an alternative that is analyzed.
- it would have substantially similar effects to an alternative that is analyzed.

6.7 AFFECTED ENVIRONMENT AND USE OF RELEVANT DATA

6.7.1 Affected Environment

The affected environment section succinctly describes the existing condition and trend of issue-related elements of the human environment that may be affected by implementing the proposed action or an alternative. The CEQ regulations discuss “human environment” at [40 CFR 1508.14](#); the term broadly relates to biological, physical, social and economic elements of the environment. We recommend that the descriptions of the specific elements be quantitative wherever possible, and of sufficient detail to serve as a baseline against which to measure the potential effects of implementing an action. The affected environment section of the environmental analysis is defined and limited by the identified issues.

Your description of the affected environment will provide the basis for identifying and interpreting potential impacts in a concise manner. Describe the present condition of the affected resources within the identified geographic scope and provide a baseline for the cumulative effects analysis. Identifying past and ongoing actions that contribute to existing conditions will be helpful for the cumulative effects analysis (see section **6.8.3, *Cumulative Effects***). Additionally, identify any regulatory thresholds and characterize what is known about stresses affecting the resources and biological or physical thresholds. These biological or physical thresholds are often poorly understood; it may be helpful to identify as part of the analysis the threshold conditions of resources beyond which change could cause significant impacts. This may not be possible for many resources because of incomplete or unavailable information ([40 CFR 1502.22](#)).

Your descriptions of the affected environment must be no longer than is necessary to understand the effects of the alternatives. Data and analyses in a statement must be commensurate with the importance of the impact; with less important material, you may summarize, consolidate, or simply reference the material ([40 CFR 1502.15](#)).

6.7.2 Use of Relevant Data

Data and other information used to describe existing conditions and trends may be obtained from other documents and summarized and incorporated by reference or otherwise appropriately referenced. You may also obtain data and other information from cooperating agency partners or other agencies, organizations, or individuals, as identified during scoping.

The CEQ regulations require the BLM to obtain information if it is “relevant to reasonably foreseeable significant adverse impacts,” if it is “essential to a reasoned choice among alternatives,” and if “the overall cost of obtaining it is not exorbitant” ([40 CFR 1502.22](#)). If information essential to reasoned choice is unavailable or if the costs of obtaining it are exorbitant (excessive or beyond reason), you must make a statement to this effect in the EIS or EA. In this statement, you must discuss what effect the missing information may have on your ability to predict impacts to the particular resource. If the information relevant to reasonably foreseeable significant adverse impacts cannot be obtained because the overall costs of obtaining it are exorbitant or the means to obtain it are not known, you must include within the EIS or EA:

1. a statement that such information is incomplete or unavailable;
2. a statement of the relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant adverse impacts on the human environment;
3. a summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment, and
4. the agency's evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community. For the purposes of this section, "reasonably foreseeable" includes impacts which have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule of reason. ([40 CFR 1502.22\(b\)](#)).

6.8 ENVIRONMENTAL EFFECTS

6.8.1 Effects Analysis

6.8.1.1 Defining Environmental Effects

Your EA or EIS must identify the known and predicted effects that are related to the issues ([40 CFR 1500.4 \(c\)](#), [40 CFR 1500.4\(g\)](#), [40 CFR 1500.5\(d\)](#), [40 CFR 1502.16](#)) (*see 6.4 Issues*). An issue differs from an effect; an issue describes an environmental problem or relation between a resource and an action, while effects analysis predicts the degree to which the resource would be affected upon implementation of an action.

The terms “**effects**” and “**impacts**” are synonymous in the CEQ regulations ([40 CFR 1508.8](#)) and in this handbook.

Effects can be ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health. Effects may also include those resulting from actions that may have both beneficial and detrimental effects, even if on balance the agency believes that the effects will be beneficial ([40 CFR 1508.8](#)).

Analyze relevant short-term and long-term effects and disclose both beneficial and detrimental effects in the NEPA analysis. We recommend you define the duration of long term and short-term, as it can vary depending on the action and the scope of analysis. You must consider and analyze three categories of effects for any BLM proposal and its alternatives: direct, indirect, and cumulative ([40 CFR 1508.25\(c\)](#)).

To help decision-makers understand how a resource will be affected, focus the discussion of effects on the context, intensity, and duration of these effects (see section **7.3, *Significance***).

Your effects analysis must also identify possible conflicts between the proposed action (and each alternative) and the objectives of Federal, State, regional, local, and tribal land use plans, policies, or controls for the area concerned ([40 CFR 1502.16\(c\)](#)).

6.8.1.2 Analyzing Effects

The effects analysis must demonstrate that the BLM took a “hard look” at the impacts of the action. The level of detail must be sufficient to support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives ([40 CFR 1502.1](#)). [See the Web Guide for recent examples of how the Interior Board of Land Appeals \(IBLA\) has dealt with the concept of “hard look.”](#)

A “**hard look**” is a reasoned analysis containing quantitative or detailed qualitative information.

Use the best available science to support NEPA analyses, and give greater consideration to peer-reviewed science and methodology over that which is not peer-reviewed.

Analytical documents to support Federal agency decision-making include EISs and EAs, but neither are considered publications of scientific research subject to peer review. You may choose to have your NEPA analysis reviewed by members of the scientific community as part of public review of the document. Such review may be desirable to improve the quality of the analysis or share information; this does not constitute formal peer-review.

Describe the methodology and analytical assumptions for the effects analysis as explained below:

Methodology: Your NEPA document must describe the analytical methodology sufficiently so that the reader can understand how the analysis was conducted and why the particular methodology was used ([40 CFR 1502.24](#)). This explanation must include a description of any limitations inherent in the methodology. If there is substantial dispute over models, methodology, or data, you must recognize the opposing viewpoint(s) and explain the rationale for your choice of analysis. You may place discussions of methodology in the text or in the appendix of the document. To the extent possible, we recommend that the analysis of impacts be quantified.

Assumptions: We recommend that your NEPA document state the analytical assumptions, including the geographic and temporal scope of the analysis (which may vary by issue), the baseline for analysis, as well as the reasonably foreseeable future actions (see section **6.8.3, *Cumulative Effects***). You must also explain any assumptions made when information critical to the analysis was incomplete or unavailable ([40 CFR 1502.22](#)). See section **6.7.2, *Use of Relevant Data***, for more discussion of incomplete or unavailable information.

Analytical assumptions may include any reasonably foreseeable development (RFD) scenarios for resources, such as RFDs for oil and gas development. A reasonably foreseeable development scenario is a baseline projection for activity for a defined area and period of time, and though commonly used in minerals development, these scenarios may be used for other resources as well. [Examples of reasonably foreseeable development scenarios can be found in the Web Guide.](#)

Clarity of expression, logical thought processes, and rational explanations are more important than length or format in the discussion of impacts. Following these guidelines will help the decision-maker and the public understand your analysis.

- Use objective, professional language without being overly technical.
- Avoid subjective terms such as "good," "bad," "positive," and "negative." The term "significant" has a very specific meaning in the NEPA context (see section **7.3, *Significance***). While it is a common descriptor, do not use it in NEPA documents unless it is intended to take on the NEPA meaning.
- Avoid the use of acronyms.

6.8.2 Direct and Indirect Effects

EAs and EISs must analyze and describe the direct effects and indirect effects of the proposed action and the alternatives on the quality of the human environment ([40 CFR 1508.8](#)). The value in requiring analysis of both direct and indirect effects is to make certain that no effects are overlooked. Because it can be difficult to distinguish between direct and indirect effects, you do not have to differentiate between the terms. When you are uncertain which effect is direct and which is indirect, it is helpful to describe the effects together. Effects are weighted the same; you do not consider an indirect effect less important than a direct effect in the analysis. [Examples of direct and indirect effects can be found in the Web Guide.](#)

Direct effects are those effects "...which are caused by the action and occur at the same time and place" ([40 CFR 1508.8\(a\)](#)).

Indirect effects are those effects "...which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on water and air and other natural systems, including ecosystems" ([40 CFR 1508.8\(b\)](#)).

6.8.3 Cumulative Effects

The purpose of cumulative effects analysis is to ensure that Federal decision-makers consider the full range of consequences of actions (the proposed action and alternatives, including the No Action alternative). Assessing cumulative effects begins early in the NEPA process, during internal and external scoping.

The CEQ regulations define **cumulative effects** as “...the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions” ([40 CFR 1508.7](#)).

“Analyzing cumulative effects is more challenging than analyzing direct or indirect effects, primarily because of the difficulty of defining the geographic (spatial) and time (temporal) boundaries. For example, if the boundaries are defined too broadly, the analysis becomes unwieldy; if they are defined too narrowly, significant issues may be missed, and decision-makers will be incompletely

informed about the consequences of their actions” ([CEQ, “Considering Cumulative Effects Under the National Environmental Policy Act”](#)).

In addition to the direction described below, [the Web Guide contains a list of “Principles of cumulative effects analysis”](#) that is useful in guiding effective cumulative effects analysis, as well as examples of cumulative effects. [The Web Guide also includes “Steps in cumulative effects analysis to be addressed in each component of environmental impact assessment”](#) from the CEQ’s “Considering Cumulative Effects Under the National Environmental Policy Act (Table 1-5).”

The following sections lay out steps in cumulative effects analysis. This is not a required format for documentation but is a useful way to think about the process and ensure an adequate analysis.

6.8.3.1 Cumulative Effects Issues

Determine which of the issues identified for analysis (see section **6.4, Issues**) may involve a cumulative effect with other past, present, or reasonably foreseeable future actions. If the proposed action and alternatives would have no direct or indirect effects on a resource, you do not need a cumulative effects analysis on that resource. Be aware that minor direct and indirect effects can potentially contribute to synergistic cumulative effects that may require analysis (see section **6.8.3.5 Analyzing the Cumulative Effects**).

For example, *the BLM proposes to build a campground near private land where a private utility company proposes to build and operate a power generation structure. The NEPA document must analyze the direct, indirect, and cumulative effects of your action of constructing a campground. If the campground construction would affect sage grouse habitat, but have no effect on air quality, and the power generation structure would affect sage grouse habitat and air quality, your NEPA document for the campground construction must describe the cumulative effects on sage grouse habitat, but not on air quality.*

In another example, *the BLM is reviewing a proposal to develop a natural gas field that will affect air quality but not affect any sensitive plants. The State is proposing a large prescribed burn, which will affect air quality and a sensitive plant population. The NEPA document needs to discuss the cumulative effects on air quality, but not on sensitive plants.*

6.8.3.2 Geographic Scope of the Cumulative Effects Analysis

We recommend that you establish and describe the geographic scope for each cumulative effects issue, which will help bound the description of the affected environment (see section **6.7.1, *Affected Environment***). Describe in your EA or EIS the rationale for the geographic scope established. The geographic scope is generally based on the natural boundaries of the resource affected, rather than jurisdictional boundaries. The geographic scope will often be different for each cumulative effects issue. The geographic scope of cumulative effects will often extend beyond the scope of the direct effects, but not beyond the scope of the direct and indirect effects of the proposed action and alternatives. As noted above, if the proposed action and alternatives would have no direct or indirect effects on a resource, you do not need to analyze cumulative effects on that resource.

For example, *if a proposal affects water quality and air quality, the appropriate cumulative effects analysis areas may be the watershed and the airshed.*

6.8.3.3 Timeframe of the Cumulative Effects Analysis

We recommend that you establish and describe the timeframe for each cumulative effects issue—that is, define long-term and short-term, and incorporate the duration of the effects anticipated. Long-term could be as long as the longest lasting effect. Timeframes, like geographic scope, can vary by resource. For example, *the timeframe for economic effects may be much shorter than the timeframe for effects on vegetation structure and composition.* Base these timeframes on the duration of the direct and indirect effects of the proposed action and alternatives, rather than the duration of the action itself. Describe in your EA or EIS the rationale for the timeframe established.

6.8.3.4 Past, Present, and Reasonably Foreseeable Actions

The cumulative effects analysis considers past, present, and reasonably foreseeable future actions that would affect the resource of concern within the geographic scope and the timeframe of the analysis. In your analysis, you must consider other BLM actions, other Federal actions, and non-Federal (including private) actions ([40 CFR 1508.7](#)).

You must consider past actions within the geographic scope to provide context for the cumulative effects analysis ([40 CFR 1508.7](#)). Past actions can usually be described by their aggregate effect without listing or analyzing the effects of individual past actions (CEQ, [Guidance on the Consideration of Past Actions in Cumulative Effects Analysis](#), June 24, 2005). Summarize past actions adequately to describe the present conditions (see section **6.7.1, *Affected Environment***).

In some circumstances, past actions may need to be described in greater detail when they bear some relation to the proposed action. For example, past actions that are similar to the proposed action might have some bearing on what effects might be anticipated from the proposed action or alternatives. You should clearly distinguish analysis of direct and indirect effects based on information about past actions from a cumulative effects analysis of past actions. (CEQ, [*Guidance on the Consideration of Past Actions in Cumulative Effects Analysis*](#), June 24, 2005).

You must consider present actions within the geographic scope ([40 CFR 1508.7](#)). Present actions are actions which are ongoing at the time of your analysis.

You must include reasonably foreseeable future actions within the geographic scope and the timeframe of the analysis ([40 CFR 1508.7](#)). You cannot limit reasonably foreseeable future actions to those that are approved or funded. On the other hand, you are not required to speculate about future actions. Reasonably foreseeable future actions are those for which there are existing decisions, funding, formal proposals, or which are highly probable, based on known opportunities or trends. Reasonably foreseeable development scenarios may be valuable sources of information to assist in the BLM's cumulative effects analysis. When considering reasonably foreseeable future actions, it may be helpful to ask such questions as:

- Is there an existing proposal, such as the submission of permit applications?
- Is there a commitment of resources, such as funding?
- If it is a Federal action, has the NEPA process begun (for example, publication of an NOI)?

Analyzing future actions, such as speculative developments, is not required but may be useful in some circumstances. Including assumptions about possible future actions may increase the longevity of the document and expand the value for subsequent tiering. For example:

The EIS for oil and gas leasing in the Northwest NPR-A Planning Area in Alaska included analysis of permanent road construction, even though it is not feasible at this time. By including assumptions and analysis about such possible future road construction in the EIS, new NEPA analysis might not be required if such permanent roads become feasible in the future.

6.8.3.5 Analyzing the Cumulative Effects

For each cumulative effect issue, analyze the direct and indirect effects of the proposed action and alternatives together with the effects of the other actions that have a cumulative effect. Cumulative effects analysis will usually need to be addressed separately for each alternative, because each alternative will have different direct and indirect effects.

The following structure is not a required format, but may be useful in constructing the cumulative effects analysis. For each cumulative effect issue:

- Describe the existing condition (see section 6.7, *Affected Environment*). The existing condition is the combination of the natural condition and the effects of past actions. The natural condition is the naturally occurring resource condition without the effects of human actions. Detailed description of the natural condition may not be possible for some resources because of incomplete or unavailable information (40 CFR 1502.22) or may not be applicable for some resources. Describe the effects of past actions, either individually or collectively, to understand how the existing condition has been created.
- Describe the effects of other present actions.
- Describe the effects of reasonably foreseeable actions.
- Describe the effects of the proposed action and each action alternatives.
- Describe the interaction among the above effects.
- Describe the relationship of the cumulative effects to any thresholds.

[See the Web Guide for an example of cumulative effects analysis.](#)

Figure 6.3 Cumulative Effects

Bars in this graph represent effects of actions.

This graphic most clearly represents additive cumulative effects.

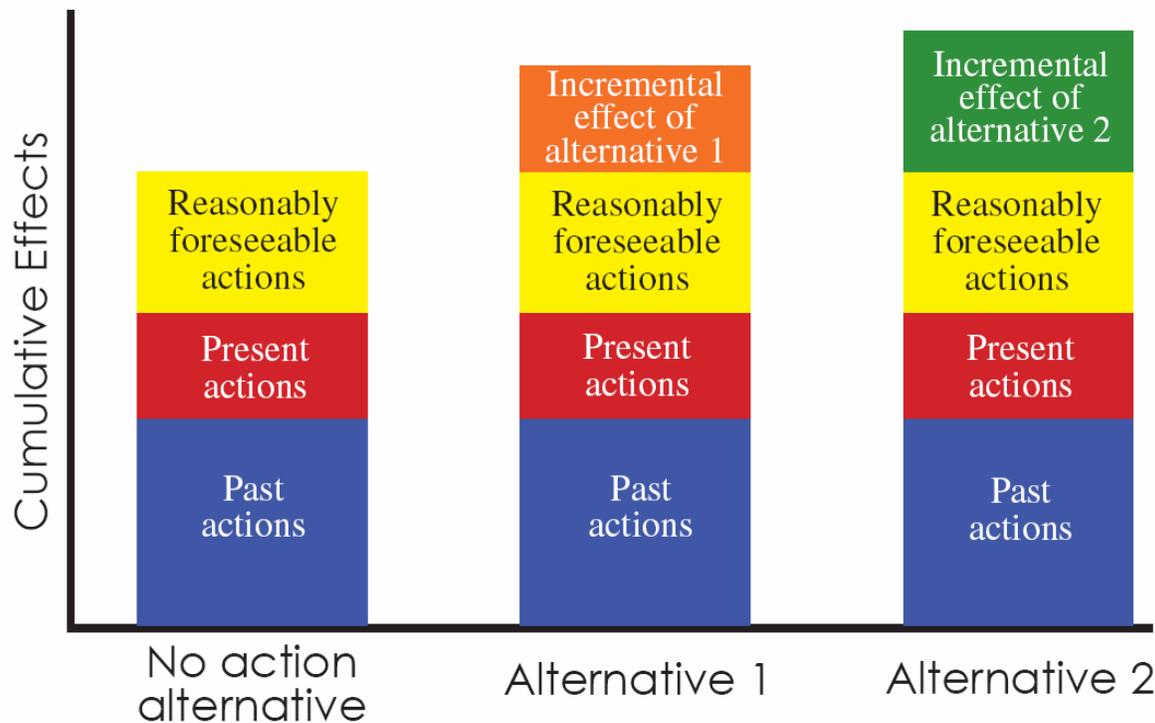


Figure 6.3

The analysis of the No Action alternative describes the cumulative effect of past, other present, and reasonably foreseeable actions, without the effect of the proposed action or action alternatives. The analysis of the proposed action will include those same effects, as well as the effects of the proposed action, and thus will demonstrate the incremental difference resulting from the proposed action. Regardless of how you present the analysis, you must be able to describe the incremental differences in cumulative effects as a result of the effects of the proposed action and alternatives ([40 CFR 1508.7](#)).

Describe the interaction among the effects of the proposed action and these various past, present, and reasonably foreseeable actions. This interaction may be:

- **additive:** the effects of the actions add together to make up the cumulative effect.
- **countervailing:** the effects of some actions balance or mitigate the effects of other actions.
- **synergistic:** the effects of the actions together is greater than the sum of their individual effects.

How the different effects interact may help determine how you may best describe and display the cumulative effects analysis. It will often be helpful to describe the cause-and-effect relations for the resources affected to understand if the cumulative effect is additive, countervailing, or synergistic.

The cumulative effects analysis provides a basis for evaluating the cumulative effect relative to any regulatory, biological, socioeconomic, or physical thresholds. Describe how the incremental effect of the proposed action and each alternative relates to any relevant thresholds.

6.8.4 Mitigation and Residual Effects

Mitigation includes specific means, measures or practices that would reduce or eliminate effects of the proposed action or alternatives. Mitigation measures can be applied to reduce or eliminate adverse effects to biological, physical, or socioeconomic resources. Mitigation may be used to reduce or avoid adverse impacts, whether or not they are significant in nature. Measures or practices should only be termed mitigation measures if they have not been incorporated into the proposed action or alternatives. If mitigation measures are incorporated into the proposed action or alternatives, they are called design features, not mitigation measures (see section **6.5.1.1, *Design Features of the Proposed Action***). You must describe the mitigation measures that you are adopting in your decision documentation. Monitoring is required to ensure the implementation of these measures ([40 CFR 1505.2\(c\)](#)) (see section **10.1, *Purposes of and Requirements for Monitoring***).

Mitigation measures are those measures that could reduce or avoid adverse impacts and have not been incorporated into the proposed action or an alternative.

Mitigation can include ([40 CFR 1508.20](#)):

- Avoiding the impact altogether by not taking a certain action or parts of an action.
- Minimizing impact by limiting the degree of magnitude of the action and its implementation
- Rectifying the impact by repairing, rehabilitation, or restoring the affected environment.
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- Compensating for the impact by replacing or providing substitute resources or environments.”

In an EIS, all “relevant, reasonable mitigation measures that could improve the project are to be identified,” even if they are outside the jurisdiction of the agency (see Question 19b, [CEQ, *Forty Most Asked Questions Concerning CEQ's NEPA Regulations*, March 23, 1981](#)). When presenting mitigation measures not within the BLM’s jurisdiction, it is particularly beneficial to work with other agencies (see **Chapter 12, Cooperating Agencies, Joint Lead Agencies, and Advisory Committees**).

Socioeconomic impacts are usually indirect and largely fall on communities and local government institutions, by definition located outside BLM-managed lands. While some mitigation strategies are within the BLM’s control, (such as regulating the pace of mineral exploration and development to minimize rapid, disruptive social change), most mitigation strategies require action by other government entities—typically cities, counties, and State agencies. In supporting local and State efforts to mitigate socioeconomic impacts, you “may provide information and other assistance, sanction local activities, encourage community and project proponent agreements, and cooperate with responsible officials to the fullest extent feasible” ([BLM Handbook of Socio-Economic Mitigation, IV-2](#)).

You may need to identify mitigation measures that would reduce or eliminate the effects of a non-Federal action when it is a connected action to the BLM proposed action (see section **6.8.2.1.1, *Connected Non-Federal Actions***). For such non-Federal actions, the relevant, reasonable mitigation measures are likely to include mitigation measures that would be carried out by other Federal, State or local regulatory agencies or tribes. Identifying mitigation outside of BLM jurisdiction serves to alert the other agencies that can implement the mitigation. In describing mitigation under the authority of another government agency, you must discuss the probability of the other agency implementing the mitigation measures (see [Question 19b, CEQ, *Forty Most Asked Questions Concerning CEQ's NEPA Regulations*, March 23, 1981](#)).

For an action analyzed in an EA, mitigation can be used to reduce the effects of an action below the threshold of significance, avoiding the need to prepare an EIS (see section **7.1, *Actions Requiring an EA***).

During impact analysis, analyze the impacts of the proposed action (including design features) and with all mitigation measures (if any) applied, as well as any further impacts caused by the mitigation measures themselves. Address the anticipated effectiveness of these mitigation measures in reducing or avoiding adverse impacts in your analysis. Describe the residual effects of any adverse impacts that remain after mitigation measures have been applied.

6.9 PUBLIC INVOLVEMENT AND RESPONDING TO COMMENTS

Public involvement is an important part of the NEPA process. The level of public involvement varies with the different types of NEPA compliance and decision-making. Public involvement begins early in the NEPA process, with scoping, and continues throughout the preparation of the analysis and the decision.

The public must be notified of its privacy rights. See *IM 2007-092, April 4, 2007*.
Include the following statement in all information requesting public comment: “Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment –including your personal identifying information –may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.”

6.9.1 Involving and Notifying the Public

The CEQ regulations require that agencies “make diligent efforts to involve the public in preparing and implementing their NEPA procedures” ([40 CFR 1506.6\(a\)](#)). There are a wide variety of ways to engage the public in the NEPA process. For EA public involvement, see sections **8.2, *Public Involvement***; **8.3.3, *Scoping and Issues***; and **8.3.7, *Tribes, Individuals, Organizations, or Agencies Consulted***. For EIS public involvement, see sections **6.3, *Scoping*** and **9.2.10.1, *Public Involvement and Scoping***.

A primary goal of public involvement is to ensure that all interested and affected parties are aware of your proposed action. Knowing your community well is the first step in determining the interested and affected parties and tribes. You may already have a core list of those interested in and potentially affected by the BLM's proposed actions; this may provide a good starting point. Work with your public affairs officer and other BLM staff, community leaders, and governmental agencies (Federal, State, and local) to help determine interested and affected parties and tribes.

Public meetings or hearings are required when there may be substantial environmental controversy concerning the environmental effects of the proposed action, a substantial interest in holding the meeting, or a request for a meeting by another agency with jurisdiction over the action ([40 CFR 1506.6\(c\)](#)). You may determine that it is efficient to combine public meetings for the NEPA with hearings required by another law (an example is requirements in the Alaska National Interest Lands Conservation Act that require hearings if certain findings are made regarding the effects of a proposed action on subsistence). There are more stringent requirements for conducting the hearing and recording the proceedings. You must maintain records of public meetings and hearings including a list of attendees (as well as addresses of attendees desiring to be added to the mailing list) and notes or minutes of the proceedings. Consult [455 DM 1](#) for procedural requirements related to public hearings. Check individual program guidance to determine requirements for public meetings and hearings.

In many cases, people attending field trips and public meetings will be interested and/or affected parties. Make sure that you have attendance sheets that capture contact information at your field trips and meetings; these will provide you with a list of people who may want to be contacted about and involved in the NEPA process. In some cases, those affected by your proposed action may not be actively engaged in the NEPA process. In these cases, it is still important for you to reach out to those individuals, parties, or tribes, and we recommend using a variety of methods to help inform and engage those affected.

Notification methods include, but are not limited to: newsletters, Web sites or online NEPA logs, bulletin boards, newspapers, and *Federal Register* Notices. EISs have very specific notification requirements, detailed in **Chapters 9 and 13**. Also refer to **Chapters 4, 5, and 8** for more discussion of DNAs, CXs, and EAs.

The CEQ regulations explicitly discusses agency responsibility towards interested and affected parties at [40 CFR 1506.6](#). The CEQ regulations require that agencies shall:

- (a) Make diligent efforts to involve the public in preparing and implementing their NEPA procedures
- (b) Provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected.

In all cases the agency shall mail notice to those who have requested it on an individual action. In the case of an action with effects of national concern notice shall include publication in the Federal Register and notice by mail to national organizations reasonably expected to be interested in the matter and may include listing in the 102 Monitor. An agency engaged in rulemaking may provide notice by mail to national organizations who have requested that notice regularly be provided. Agencies shall maintain a list of such organizations.

In the case of an action with effects primarily of local concern the notice may include:

- (i) Notice to State and areawide clearinghouses pursuant to OMB Circular A- 95 (Revised).
 - (ii) Notice to Indian tribes when effects may occur on reservations.
 - (iii) Following the affected State's public notice procedures for comparable actions.
 - (iv) Publication in local newspapers (in papers of general circulation rather than legal papers).
 - (v) Notice through other local media.
 - (vi) Notice to potentially interested community organizations including small business associations.
 - (vii) Publication in newsletters that may be expected to reach potentially interested persons.
 - (viii) Direct mailing to owners and occupants of nearby or affected property.
 - (ix) Posting of notice on and off site in the area where the action is to be located.
- (c) Hold or sponsor public hearings or public meetings whenever appropriate or in accordance with statutory requirements applicable to the agency. Criteria shall include whether there is:
- (i) Substantial environmental controversy concerning the proposed action or substantial interest in holding the hearing.
 - (ii) A request for a hearing by another agency with jurisdiction over the action supported by reasons why a hearing will be helpful. If a draft environmental impact statement is to be considered at a public hearing, the agency should make the statement available to the public at least 15 days in advance (unless the purpose of the hearing is to provide information for the draft environmental impact statement).

(d) Solicit appropriate information from the public.

(e) Explain in its procedures where interested persons can get information or status reports on environmental impact statements and other elements of the NEPA process.

(f) Make environmental impact statements, the comments received, and any underlying documents available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552), without regard to the exclusion for interagency memoranda where such memoranda transmit comments of Federal agencies on the environmental impact of the proposed action. Materials to be made available to the public shall be provided to the public without charge to the extent practicable, or at a fee which is not more than the actual costs of reproducing copies required to be sent to other Federal agencies, including the Council.

6.9.2 Comments

The BLM has both the duty to comment on other agencies' EISs and to obtain comments on our EISs in cases of jurisdiction by law or special expertise. For more discussion of these requirements, see **Chapter 11, *Agency Review of Environmental Impact Statements***.

Comments on the document and proposed action may be received in response to a scoping notice or in response to public review of an EA and FONSI or draft EIS. Comments received at other times in the process may not need a formal response. However, all substantive comments received before reaching a decision must be considered to the extent feasible ([40 CFR 1503.4](#)). Comments must be in writing (including paper or electronic format or a court reporter's transcript taken at a formal hearing), substantive, and timely, in order to merit a written response. You may receive oral comments at public meetings and workshops – it is helpful to write these down to revisit during the NEPA process. To ensure that the true intent of the comment is captured, offer the commenter the opportunity to record his or her comment in writing. The geographic origin of a comment does not alter whether it is substantive.

The requirements for BLM responses to comments differ between EAs and EISs (see section **8.2, *Public Involvement***, and section **9.6.1, *Comments Received Following Issue of the Final EIS***). When an EA and unsigned FONSI are made available for public comment, we recommend that you respond to all substantive and timely comments. You may respond to substantive, timely comments in the EA or in the decision record. If a substantive and timely comment does not lead to changes in the EA or decision, you may reply directly to the commenter, and we recommend that you document the reply in either the EA or the decision record (see section **8.5.1, *Documenting the Decision***). When preparing a final EIS, you must respond to all substantive written comments submitted during the formal scoping period and public comment period (see section **9.4, *The Final EIS***). You are not required to respond to comments that are not substantive or comments that are received after the close of the comment period, but you may choose to reply ([516 DM 4.19\(A\) and \(B\)](#)) (see section **6.9.2.2, *Comment Response***). However, be cautious about not responding to untimely comments from agencies with jurisdiction by law or special expertise (see section **11.1 *Obtaining Comments on Your EIS***).

6.9.2.1 Substantive Comments

[Substantive comments](#) do one or more of the following:

- question, with reasonable basis, the accuracy of information in the EIS or EA.
- question, with reasonable basis, the adequacy of, methodology for, or assumptions used for the environmental analysis.
- present new information relevant to the analysis.
- present reasonable alternatives other than those analyzed in the EIS or EA.
- cause changes or revisions in one or more of the alternatives.

[Comments that are not considered substantive](#) include the following.

- comments in favor of or against the proposed action or alternatives without reasoning that meet the criteria listed above (such as “we disagree with Alternative Two and believe the BLM should select Alternative Three”).
- comments that only agree or disagree with BLM policy or resource decisions without justification or supporting data that meet the criteria listed above (such as “more grazing should be permitted”).
- comments that don’t pertain to the project area or the project (such as “the government should eliminate all dams,” when the project is about a grazing permit).
- comments that take the form of vague, open-ended questions.

[Examples of substantive comments can be found in the Web Guide.](#)

6.9.2.2 Comment Response

The CEQ regulations [at 40 CFR 1503.4](#) recognize several options for responding to substantive comments, including:

- modifying one or more of the alternatives as requested.
- developing and evaluating suggested alternatives.
- supplementing, improving, or modifying the analysis.
- making factual corrections.
- explaining why the comments do not warrant further agency response, citing cases, authorities, or reasons to support the BLM’s position.

Preparing to Respond to Comments

When you anticipate receiving a large number of comments, we recommend that you develop an organized system for receiving and cataloging comments before the comments start arriving. Training (formal or informal) to ensure that staff understand their responsibilities and the system’s organization may be valuable. For proposals that may have a large number of comments, we recommend that you develop a systematic way to track substantive comments and the BLM’s response, such as in a searchable database. Commenters may wish to know how the BLM responded to their comments; having a well-organized means of determining this will facilitate the process.

Responding to Substantive Comments

You may [respond to comments](#) in several ways:

- write a letter to the commenter and record your response in the administrative record.
- present the comment and your response in the NEPA document.
- present the comment and your response in the decision document.

The CEQ recommends that responses to substantive comments should normally result in changes in the text of the NEPA document, rather than as lengthy replies to individual comments in a separate section (see [Question 29a, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981](#)). If the comments are made with respect to the BLM decision, you may respond to the comments in the decision documentation or Record of Decision rather than in the EIS or EA.

A short response to each substantive comment and a citation to the section or page where the change was made may be appropriate. Similar comments may be summarized and one response given to each group of similar comments; this approach is especially useful when a large number of comments is received.

If public comments on a draft EIS identify impacts, alternatives, or mitigation measures that were not addressed in the draft, the decision-maker responsible for preparing the EIS must determine if they warrant further consideration. If they do, the decision-maker must determine whether the new impacts, new alternatives, or new mitigation measures must be analyzed in either the final EIS or a supplemental draft EIS (see [Question 29b, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981](#)) (see section **5.3, *Supplementing an EIS***). Similarly, we recommend that the decision-maker responsible for preparing an EA consider whether public comments identify impacts, alternatives or mitigation measures that warrant preparation of a new EA.

Comments that express a professional disagreement with the conclusions of the analysis or assert that the analysis is inadequate may or may not lead to changes in the NEPA document. When there is disagreement within a professional discipline, a careful review of the various interpretations is warranted. In some instances, public comments may necessitate a reevaluation of analytical conclusions. If, after reevaluation, the decision-maker responsible for preparing the EA or EIS does not think that a change is warranted, we recommend that your response provide the rationale for that conclusion. Thorough documentation of methodology and assumptions in the analysis may improve the reader's understanding of the BLM's analytical methods, and may reduce questions (see section **6.8.1.2, *Analyzing Effects***).

Responding to Nonsubstantive Comments

You are not required to respond to nonsubstantive comments such as those comments merely expressing approval or disapproval of a proposal without reason. However, you may wish to acknowledge the comment, and may do so in a variety of methods, including but not limited to sending postcards, letters, or email responses.

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CHAPTER 7—DETERMINING WHETHER AN EA OR EIS IS APPROPRIATE

7.1 Actions Requiring an EA

7.2 Actions Requiring an EIS

7.3 Significance

7.1 ACTIONS REQUIRING AN EA

Actions are analyzed in an EA if the actions are not categorically excluded, not covered in an existing environmental document, and not normally subject to an EIS. Use the EA analysis to determine if the action would have significant effects; if so, you would need to prepare an EIS. If the action would not have significant effects, prepare a Finding of No Significant Impact (FONSI) (see section 8.4.2, *The Finding of No Significant Impact (FONSI)*). If you have already decided to prepare an EIS, you do not need to first prepare an EA (see section 7.2, *Actions Requiring an EIS*).

An EA may demonstrate that a proposed action would have effects that are significant but could be reduced or avoided through mitigation. You may use a mitigated FONSI rather than an EIS if you are able to reasonably conclude, based on the EA analysis, that the mitigation measures would be effective in reducing effects to nonsignificance. The FONSI must clearly identify whether the mitigation measures are needed to reduce effects to nonsignificance. You must describe the mitigation measures you are adopting in the decision documentation, and must provide monitoring to ensure the implementation of these measures (see section 10.2, *Developing a Monitoring Plan or Strategy*).

You may prepare an EA for an action that has some significant impacts if the EA is tiered to a broader EIS which fully analyzed those significant impacts (see section 5.2.2, *Tiering*). For such a tiered EA, you must document in the FONSI a determination that the potentially significant effects have already been analyzed, and no other effects reach significance. Only significant effects that have not been analyzed in an existing EIS will trigger the need for a new EIS.

Note: Though not required, a decision-maker may elect to prepare an EA for an action that is categorically excluded or covered by an existing environmental document to assist in planning or decision-making. In such cases, explain in the EA why you are electing to prepare an EA.

7.2 ACTIONS REQUIRING AN EIS

Actions whose effects are expected to be significant and are not fully covered in an existing EIS must be analyzed in a new or supplemental EIS ([516 DM 11.8\(A\)](#)). You must also prepare an EIS if, after preparation of an EA, you determine that the effects of the proposed action would be significant and cannot be mitigated to a level of nonsignificance (see section 7.1, *Actions Requiring an EA*). If you determine during preparation of an EA that the proposed action would have significant effects and cannot be mitigated to a level of nonsignificance, you do not need to complete preparation of the EA before beginning preparation of an EIS ([516 DM 11.7\(E\)](#)) (See section 8.4.1, *Significant Impacts – Transitioning from an EA to an EIS*).

The following actions normally require preparation of an EIS:

- (1) Approval of Resource Management Plans.
- (2) Proposals for Wild and Scenic Rivers and National Historic Scenic Trails.
- (3) Approval of regional coal lease sales in a coal production region.
- (4) Decision to issue a coal preference right lease.
- (5) Approval of applications to the BLM for major actions in the following categories:
 - (a) Sites for steam-electric power plants, petroleum refineries, synfuel plants, and industrial structures
 - (b) Rights-of-way for major reservoirs, canals, pipelines, transmission lines, highways and railroads
- (6) Approval of operations that would result in liberation of radioactive tracer materials or nuclear stimulation
- (7) Approval of any mining operation where the area to be mined, including any area of disturbance, over the life the mining plan is 640 acres or larger in size.

“If, for any of these actions it is anticipated that an EIS is not needed based on potential impact significance, an environmental assessment will be prepared....” ([516 DM 11.8\(B\) and \(C\)](#)).

Note: Though not required, a decision-maker may elect to prepare an EIS for an action that does not have significant effects to assist in planning or decision-making. In such cases, explain in the Notice of Intent and the EIS why you are electing to prepare an EIS.

7.3 SIGNIFICANCE

Whether an action must be analyzed in an EA or EIS depends upon a determination of the significance of the effects. “Significance” has specific meaning in the NEPA context and you must use only this meaning in NEPA documents.

Significance is defined as effects of sufficient context and intensity that an environmental impact statement is required. The CEQ regulations refer to both significant effects and significant issues (for example, [40 CFR 1502.2\(b\)](#)). The meaning of significance should not be interpreted differently for issues than for effects: significant issues are those issues that are related to significant or potentially significant effects.

The CEQ regulations explain in [40 CFR 1508.27](#):

“‘Significantly’ as used in the NEPA requires considerations of both context and intensity:

- (a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, for a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short-term and long-term effects are relevant.

(b) Intensity. This refers to the severity of effect. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action....” ([40 CFR 1508.27](#)).

Note that to determine the severity of effect, you must look at direct, indirect, and cumulative effects ([40 CFR 1508.25\(c\)](#)).

The CEQ regulations include the following ten considerations for evaluating intensity.

Impacts that may be both beneficial and adverse ([40 CFR 1508.27\(b\)\(1\)](#)). In analyzing the intensity of effects, you must consider that effects may be both beneficial and adverse. Even if the effect of an action will be beneficial on balance, significant adverse effects may exist. *For example, removal of a dam may have long-term beneficial effects on an endangered fish species. However, the process of removing the dam may have short-term adverse effects on the fish.*

The consideration of intensity must include analysis of both these beneficial and adverse effects, not just a description of the net effects. Only a significant adverse effect triggers the need to prepare an EIS.

Public health and safety ([40 CFR 1508.27\(b\)\(2\)](#)). You must consider the degree to which the action would affect public health and safety which may require, for example, evaluation of hazardous and solid wastes, air and water quality. In the context of evaluating significance, consideration of these resource effects should describe their relation to public health and safety. Economic or social effects are not intended by themselves to require preparation of an environmental impact statement (40 CFR 1508.14.).

Unique characteristics of the geographic area ([40 CFR 1508.27\(b\)\(3\)](#)). “Unique characteristics” are generally limited to those that have been identified through the land use planning process or other legislative, regulatory, or planning process; for example:

- prime and unique farmlands as defined by 7 CFR 657.5.
- caves designated under 43 CFR 37.
- wild and scenic rivers, both designated and suitable.
- designated wilderness areas and wilderness study areas.
- areas of critical environmental concern designated under [43 CFR 1610.7-2](#).

Degree to which effects are likely to be highly controversial ([40 CFR 1508.27\(b\)\(4\)](#)). You must consider the degree to which the effects are likely to be highly controversial. Controversy in this context means disagreement about the nature of the effects, not expressions of opposition to the proposed action or preference among the alternatives. There will always be some disagreement about the nature of the effects for land management actions, and the decision-maker must exercise some judgment in evaluating the degree to which the effects are likely to be highly controversial. Substantial dispute within the scientific community about the effects of the proposed action would indicate that the effects are likely to be highly controversial.

Degree to which effects are highly uncertain or involve unique or unknown risks ([40 CFR 1508.27\(b\)\(5\)](#)). You must consider the degree to which the effects are likely to be highly uncertain or involve unique or unknown risks. As with controversy, there will always be some uncertainty about the effects of land management actions, and the decision-maker must exercise some judgment in evaluating the degree to which the effects are likely to be highly uncertain. Similarly, there will always be some risk associated with land management actions, but the decision-maker must consider whether the risks are unique or unknown. ([Refer to the Web Guide for examples of both risks that are unique or unknown, and risks that are not](#)).

Consideration of whether the action may establish a precedent for future actions with significant impacts ([40 CFR 1508.27\(b\)\(6\)](#)). You must consider the degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. You must limit this consideration to future actions that are reasonably foreseeable, not merely possible (see section **6.8.3.4, Past, Present, and Reasonably Foreseeable Actions**).

Consideration of whether the action is related to other actions with cumulatively significant impacts ([40 CFR 1508.27\(b\)\(7\)](#)). You must consider whether the action is related to other actions with cumulatively significant effects ([40 CFR 1508.27\(b\)\(7\)](#)). Other actions are “related” to the action if they are connected or cumulative actions (see sections **6.5.2.1, Connected Actions** and **6.5.2.2, Cumulative Actions**). You must analyze the effect of past, present, and reasonably foreseeable future actions, regardless of who undertakes such other actions, in the cumulative effects analysis for the proposed action. This analysis provides the context for understanding the effects of the BLM action (see section **6.8.3, Cumulative Effects**). In determining the significance of the BLM action, you count only the effects of the BLM action together with the effects of connected and cumulative actions to the extent that the effects can be prevented or modified by BLM decision making (see section **6.5.2.1 Connected Actions**).

For example:

*The BLM proposes to construct a trail to provide recreation access to BLM-managed lands from a campground the Forest Service proposes to construct on adjacent Forest Service lands. The Forest Service campground is a connected action (see section **6.5.2.1, Connected Actions**). In this example, you must count the effects of both the BLM trail construction and the Forest Service campground construction in determining significance.*

*The BLM proposes to construct a campground, which would contribute sediment to a nearby stream; the BLM proposes to replace a culvert, which would contribute sediment to the same stream. The culvert replacement is a cumulative action (see section **6.5.2.2, Cumulative Actions**). In this example, you must count the effects of both the campground construction and the culvert replacement in determining significance.*

*The BLM receives a right-of-way request for access for timber harvest on adjacent private land. The timber harvest on private land would be a connected action, because the timber harvest and the right-of-way request are interdependent parts (see section 6.5.2.1, **Connected Actions**). Whether you count the effects of the timber harvest in determining the significance of the right-of-way grant would depend on whether the effects of the timber harvest could be prevented by BLM decision making (see section 6.5.2.1, **Connected Actions**). In this example, that determination would likely depend on whether the private party has other reasonable access for timber harvest (see section 6.6.3, **Alternatives Considered but Eliminated From Detailed Analysis** for discussion of “reasonable”).*

- *If the private party has no other reasonable access (and therefore the harvest could not proceed without the right-of-way grant), the effects of the timber harvest would count towards the significance of the right-of-way grant. If the private party has no other reasonable access, the No Action alternative (i.e., denying the right-of-way request) would assume that the timber harvest would not occur. In this case, the effects of the timber harvest would be part of the incremental difference in cumulative effects between the No Action alternative (denying the right-of-way request) and the Proposed Action (granting the right-of-way).*
- *If the private party has other reasonable access, the effects of the timber harvest would not count towards the significance of the right-of-way grant. The No Action alternative would assume that the timber harvest would occur using the other reasonable access. In this case, the effects of the timber harvest would not be part of the incremental difference in cumulative effects between the No Action alternative and the Proposed Action (see section 6.8.3.5, **Analyzing the Cumulative Effects**).*

Scientific, cultural, or historical resources, including those listed in or eligible for listing in the National Register of Historic Places ([40 CFR 1508.27\(b\)\(8\)](#)). This factor represents a specific sub-set of the factor, “unique characteristics of the geographic area.” Significance may arise from the loss or destruction of significant scientific, cultural, or historical resources. For resources listed in or eligible for listing in the National Register of Historic Places, significance depends on the degree to which the action would adversely affect these resources.

Threatened or endangered species and their critical habitat ([40 CFR 1508.27\(b\)\(9\)](#)). Significance depends on the degree to which the action would adversely affect species listed under the Endangered Species Act or their designated critical habitat. A determination under the Endangered Species Act that an action would adversely affect a listed species or critical habitat does not necessarily equate to a significant effect in the NEPA context. The NEPA analysis and ESA effects determinations have different purposes and use slightly different analytical approaches (for example, regarding connected actions, reasonably foreseeable actions, and cumulative effects). Although ESA documents, such as biological assessments and biological opinions, provide useful information, you must base your evaluation of the degree to which the action would adversely affect the species or critical habitat on the analysis in the EA.

Any effects that threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment ([40 CFR 1508.27\(b\)\(10\)](#)). This factor will often overlap with other factors: for example, violations of the Clean Water Act or Clean Air Act would usually involve effects that would adversely affect public health and safety.

CHAPTER 8—PREPARING AN ENVIRONMENTAL ASSESSMENT

General

- 8.1 Preparing to Write an Environmental Assessment (EA)
- 8.2 Public Involvement
- 8.3 EA Format
- 8.4 Determination of Significance
- 8.5 The Decision Record
- 8.6 Implementation

GENERAL

An **environmental assessment** is a tool for determining the “significance” of environmental impacts; it provides a basis for rational decision making.

The steps for performing an EA-level analysis follow the NEPA analysis steps laid out in **Chapter 6, *NEPA Analysis***. This chapter builds on the foundation laid in Chapter 6 and provides specific direction and guidance for preparing an EA. **Chapter 8, *Preparing an Environmental Assessment*** also addresses the transition steps necessary to shift to preparation of an EIS when an EA process identifies significant effects or the likelihood of significant effects (see section **8.4.1, *Significant Impacts – Transitioning from an EA to an EIS***).

8.1 PREPARING TO WRITE AN ENVIRONMENTAL ASSESSMENT (EA)

An EA is intended to be a concise public document that provides sufficient evidence and analysis for determining the significance of effects from a proposed action ([40 CFR 1508.9](#)) and that serves as a basis for reasoned choice. Based upon the EA analysis, either an EIS or a FONSI will be prepared.

The CEQ has advised agencies to keep EAs to no more than approximately 10-15 pages ([Question 36a](#), CEQ, *Forty Most Asked Questions Concerning CEQ's NEPA Regulations*, March 23, 1981). Concise and well-written documents foster effective communications with the public and informed decision-making. This handbook was developed to assist in streamlining NEPA documents while retaining their informative character, and provides suggestions and tools for preparing concise EAs.

You may reduce the length of the EA by thoughtful crafting of the purpose and need for action; developing a proposed action that specifically addresses the purpose and need; and maintaining focus on the relevant issues. Consistent focus on the issues associated with the proposed action will help you identify reasonable alternatives and potential effects. Other streamlining techniques include the use of tiering and incorporation by reference (see section **5.2, *Incorporation by Reference and Tiering***).

A longer EA may be appropriate when a proposal is so complex that a concise document cannot meet the goals of [40 CFR 1508.9](#) or when it is extremely difficult to determine whether the proposal could have significant environmental effects. Carefully consider complex proposals and the criteria for when an EIS may be appropriate (see **Chapter 7, *Determining Whether an EA or an EIS is Appropriate***), rather than proceeding with a lengthy EA just to avoid the EIS process.

8.2 PUBLIC INVOLVEMENT

You must have some form of public involvement in the preparation of all EAs. The CEQ regulations do not require agencies to make EAs available for public comment and review. In certain limited circumstances, agencies are required to make FONSIIs available for public review ([40 CFR 1501.4\(e\)\(2\)](#)) (see section **8.4.2, *The Finding of No Significant Impact (FONSI)***). The CEQ regulations direct agencies to encourage and facilitate public involvement in the NEPA process to the fullest extent possible ([40 CFR 1500.2\(d\)](#), [40 CFR 1506.6](#)). This means that while some public involvement is required in the preparation of an EA, you have the discretion to determine how much, and what kind of involvement works best for each individual EA. For preparation of an EA, public involvement may include any of the following: external scoping, public notification before or during preparation of an EA, public meetings, or public review and comment of the completed EA and unsigned FONSI. The type of public involvement is at the discretion of the decision-maker. When you need to prepare many EAs for similar projects in a short timeframe, it may be helpful to prepare a programmatic EA to cover those projects and to facilitate focused public involvement

Before and during the preparation of the EA, be very thoughtful about the level of public involvement that may be necessary with respect both to the decision to be made and the analysis of the environmental consequences of that decision. As discussed in section **6.9, *Public Involvement and Responding to Comments***, consider providing for public involvement very early in the process. It is helpful to prepare a public involvement strategy that allows you to adjust the amount and nature of public participation throughout the analysis process. In the strategy, identify the objectives for public involvement to assist in determining the need for, level and nature of that involvement.

Internal scoping, while not considered public involvement, is used to set the stage for external scoping if the decision-maker determines that it is necessary. Internal and external scoping are introduced in section **6.3, *Scoping*** and discussed in more detail in section **8.3.3, *Scoping and Issues***. Internal scoping is integral to the preparation of all environmental assessments.

In addition to public involvement in the preparation of EAs, you must notify the public of the availability of a completed EA and FONSI ([40 CFR 1506.6\(b\)](#)). In addition, some FONSIIs must be made available for a 30-day public review, as described in section **8.4.2, *The Finding of No Significant Impact (FONSI)***. In situations that do not require public review of the FONSI, the unsigned FONSI and completed EA may be released for public review at the decision-maker's discretion. Section **8.4.2, *The Finding of No Significant Impact (FONSI)*** discusses the preparation of FONSIIs and provides information regarding their release for public review.

8.3 EA FORMAT

The CEQ regulations state that an EA must contain brief discussions of the need for the proposal, the alternatives considered, the environmental effects of the proposed action and alternatives, and a listing of agencies and persons consulted ([40 CFR 1508.9 \(b\)](#)). Also, the BLM requires certain information in the EA, and there may be particular program-specific requirements for an EA. [Refer to the Web Guide for a current description of program-specific requirements related to EAs](#). Content and format requirements for EA-level LUP amendments can be found in the [BLM’s Land Use Planning Handbook H-1601-1](#).

We recommend that you organize an EA so that the flow of information is logical and easy to follow. The following recommended EA format is intended to present the analytical information in a manner that both informs decision-making and enhances general reader understanding of the proposal, the analysis process, and the results. This recommended format is provided in outline form in **Appendix 9, *Recommended EA Format***.

8.3.1 Introduction

Provide the following identifying information at the beginning of an EA, or in the introduction:

- **Title, EA number, and type of project.** Consult the appropriate State, District, or Field Office guidance regarding the assignment of EA numbers.
- **Location of proposal.** Identify the general location of the proposed action (details of the location are in the proposed action). Use maps where appropriate to assist in identifying the specific location of the proposed action.
- **Name and location of preparing office.**
- **Identify the subject function code, lease, serial, or case file number** (where applicable). Identify, for example, the right-of way case file number, the application for a permit to drill identifier, etc.
- **Applicant name** (where applicable). The applicant's address may also be included. (Note: Applicant name and address may be protected under the *Privacy Act*: [refer to program-specific guidance and the exemptions under the *Freedom of Information Act*, which is referenced in the Web Guide](#)).

The EA introduction also typically includes background information that provides context for the purpose and need statement.

8.3.2 Purpose and Need for Action and Decision to be Made

As discussed in section **6.2.1, *The Role of the Purpose and Need Statement***, the purpose and need statement frames the range of alternatives. We recommend that you develop the purpose and need statement very early in the NEPA process and include it in scoping.

We recommend including a section in the EA that describes the “Decision to be Made.” Describing the decision to be made clearly spells out the BLM’s decision space and the focus of the NEPA analysis; in addition, it may serve as a vehicle for describing the nature of other decisions that will be made by other entities in order to implement the proposed action and any alternatives. Refer to the discussion and examples in section **6.2.1, *The Decision to be Made***.

8.3.3 Scoping and Issues

The topics of internal and external scoping are introduced in section **6.3, *Scoping***. Internal scoping, as discussed, is used to formulate the purpose and need; identify connected, similar and cumulative actions associated with the proposal; begin preparations for the cumulative effects analysis; determine the appropriate level of documentation; and prepare a public participation strategy. While external scoping for EAs is optional ([40 CFR 1501.7](#)), the benefits of external scoping for an EA are essentially the same as for an EIS, as discussed in section **6.3.2, *External Scoping***.

When evaluating the need for scoping, consider factors such as: the size or scale of the proposed action; whether the proposal is routine or unique; who might be interested or affected; and whether or not external scoping has been conducted for similar projects and what the results have been. It is up to the decision-maker to determine the need for and level of scoping to be conducted. We recommend that you document in the EA your rationale for determining whether or not to conduct external scoping. If you conduct external scoping, document the scoping process, the comments received, and the issues identified and how they were addressed in the EA. If you receive numerous comments, a summary of the comments may suffice for the EA; however, be sure to retain the comments and to document their disposition in the administrative record. See sections **8.3.7, *Tribes, Individuals, Organizations, or Agencies Consulted***, and **8.5.1, *Documenting the Decision***, for additional discussions regarding public involvement and managing comments.

Regardless of the level of scoping conducted, we recommend that you identify and document issues associated with the proposed action (see sections **6.3, *Scoping*** and **6.4, *Issues***). As discussed in section **6.4.1, *Identifying Issues for Analysis***, you do not need to analyze all issues identified in the scoping process. Analyze an issue if its analysis will help in making a reasoned choice among alternatives, or if it is, or may be, related to a potentially significant effect. In addition, the decision-maker may elect to analyze other issues to assist in planning or decision-making. In such cases explain in the EA why you are electing to identify the issue for analysis.

8.3.4 Proposed Action and Alternatives

You must describe the proposed action and alternatives considered, if any ([40 CFR 1508.9\(b\)](#)) (see sections **6.5, *Proposed Action*** and **6.6, *Alternative Development***). Illustrations and maps can be used to help describe the proposed action and alternatives. The sub-sections below provide detailed guidance for how to describe the proposed action and how to develop and describe appropriate alternatives.

8.3.4.1 Description of the Proposed Action

Provide a description of the proposed action (see section **6.5, *Proposed Action*** for guidance). Generally describe the relationship between the purpose and need and the proposed action. To identify potential connected and cumulative actions that may need to be included with the proposed action, refer to sections **6.5.2.1, *Connected Actions*** and **6.5.2.2, *Cumulative Actions***. Be sure to include design features specific to the proposed action (see section **6.5.1.1, *Design Features of the Proposed Action***).

8.3.4.2 Alternatives in an EA

EAs shall “...include brief discussions...of alternatives as required by section [102\(2\)\(E\)](#),...” ([40 CFR 1508.9\(b\)](#)). Section 102(2)(E) of the NEPA provides that agencies of the Federal Government shall “study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.”

Although the regulation at [40 CFR 1508.9\(b\)](#) makes no specific mention of the No Action alternative with respect to EAs, the CEQ has interpreted the regulations generally to require some consideration of a No Action alternative in an EA. The CEQ has issued guidance stating: “you may contrast the impacts of the proposed action and alternatives with the current condition and expected future condition in the absence of the project. This constitutes consideration of a no-action alternative as well as demonstrating the need for the project.” (CEQ Memorandum to Federal NEPA Contacts: Emergency Actions and NEPA (September 8, 2005), CEQ Memorandum to Secretary of Agriculture and Secretary of Interior: Guidance for Environmental Assessments of Forest Health Projects (December 9, 2002)). Therefore, at a minimum, your EA must include documentation of the current and future state of the environment in the absence of the proposed action. This discussion does not need to be a separate section called “No Action Alternative,” but can be part of the environmental effects section of the EA to show the change in effects brought about by the proposed action or alternatives. Examples of how to do this can be found on the web guide.

You may analyze the No Action alternative with the same level of treatment as the proposed action and any action alternatives, if this will assist in your decision-making. In such cases, it may be clearer to provide this analysis in a separate analysis of the No Action alternative in an environmental effects section. Including such a separate analysis may provide a useful context for comparing environmental effects of the various alternatives, and demonstrates the consequences of not meeting the need for the action.

You must consider alternatives if there are unresolved conflicts concerning alternative uses of available resources ([40 CFR 1508.9\(b\)](#)). There are no unresolved conflicts concerning alternative uses of available resources if consensus has been established about the proposed action based on input from interested parties, or there are no reasonable alternatives to the proposed action that would be substantially different in design or effects. (However, the analysis of effects may result in new issues that require development and consideration of another alternative).

Consensus about the proposed action may be established by conducting scoping for the proposed action, but it may also be possible to establish consensus through other means of public involvement. For example, scoping and/or public comments on a programmatic NEPA document may provide a basis for concluding that there is consensus about a subsequent specific action that is tiered to the programmatic document. Document the basis for concluding that there is consensus about a proposed action and identify the interested parties that participated in the consensus-building process.

Many conflicts concerning alternative uses of available resources are resolved in existing land use plan (LUP) and other programmatic decisions. Such programmatic decisions often establish “basic policy objectives for management of the area,” which may ultimately limit the “reasonable” alternatives to a proposed action to implement an LUP or programmatic decision (see section 6.6.1, *Reasonable Alternatives*). The purpose and need statement for implementation actions may be constructed in the context of the existing LUP or programmatic decisions; thus, alternatives that are not in conformance typically will not be “reasonable.” However, some proposed actions and alternatives will intentionally not be in conformance with the LUP because the intent is to amend or revise LUP direction; hence the alternatives are reasonable to analyze.

If alternatives relevant to the proposed action have been described and analyzed in a previous environmental document, it may be sufficient to incorporate by reference the description and analysis from the previous document (see section 5.2, *Incorporation by Reference and Tiering*). In addition, you may use tiering to reduce the range of alternatives (see section 5.2, *Incorporation by Reference and Tiering*, for further discussion of tiering).

In addition, for EAs, you need only analyze alternatives that would have a lesser effect than the proposed action. However, be cautious in dismissing an alternative from analysis in an EA because it would have a “greater effect.” For many management actions, characterizing the overall effects of alternatives as “lesser” or “greater” will be difficult, because alternatives will often have lesser effects on some resources and greater effects on other resources when compared to the proposed action.

For projects proposed under the Healthy Forests Restoration Act of 2003 (HFRA) (P.L. 108-148), refer to specific guidance regarding analysis of alternatives in section 6.6.1, *Reasonable Alternatives*, as it provides guidance different from that included in this section.

While analysis of alternatives is not always required in EAs, a decision-maker may choose to analyze alternatives in detail to assist in identifying trade-offs or in decision-making and planning. In such cases, explain in the EA why you are electing to analyze the alternative in detail.

8.3.4.2.1 Alternatives Considered but Eliminated from Detailed Analysis

We recommend that the EA contain a description of alternatives to the proposed action that were considered but not analyzed in detail. Include alternatives that were recommended by members of the public or agencies but dismissed from detailed analysis after preliminary investigation. Document the reasons for dismissing an alternative in the EA (see section 6.6.3, *Alternatives Considered but Eliminated from Detailed Analysis* for additional discussion).

8.3.4.3 Conformance

In this section, discuss whether or not the proposed action is in conformance with the land use plan; identify directly relevant laws, regulations, policies, program guidance, and local permitting requirements that are germane to the proposed action. An exhaustive list or discussion of all applicable laws or regulations is not appropriate.

We recommend that you also evaluate and disclose whether or not any alternatives considered are in conformance with the land use plan and as described above. Determining “conformance” early in the process will indicate if a plan amendment is necessary to implement an alternative.

8.3.5 Affected Environment

We recommend that the EA contain a brief description of the environment likely to be affected by the proposed action or alternatives. Limit the description of the affected environment to that information relevant to understanding the effect(s) of the proposed action or alternative (see sections **6.7.1, *Affected Environment*** and **6.7.2, *Use of Relevant Data***). You may present the affected environment description as its own section, or combined with environmental effects.

8.3.6 Environmental Effects

The EA must describe and provide the analysis of environmental effects of the proposed action and each alternative analyzed in detail ([40 CFR 1508.9\(b\)](#)). An issue identified through internal or external scoping must be analyzed if analysis is necessary to :

- make a reasoned choice among alternatives (if any), or
- determine the significance of effects (see section **6.8, *Environmental Effects***).

The effects analysis must address direct, indirect and cumulative effects related to each issue (see section **6.8, *Environmental Effects***). Tiering to a broader NEPA analysis may limit the need for analysis, especially cumulative effects analysis (see section **6.8.3, *Cumulative Effects***).

Discussion of impacts may either be organized by alternative with impact topics as subheadings or by impact topic with alternatives as subheadings. Generally, if impacts to a particular resource for one alternative are the same as another alternative, make reference to that section in the EA rather than repeating the information.

The EA must also identify and analyze mitigation measures, if any, which may be taken to avoid or reduce potentially significant effects (see [Question 39, *CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981*](#)). You must describe and analyze the anticipated effectiveness of mitigation measures and any direct, indirect, and cumulative effects that remain after the application of all mitigation measures—that is, residual effects. Although described and analyzed in the body of the EA, the mitigation measures that will be implemented are explicitly adopted in the decision record. Refer to section **6.8.4, *Mitigation and Residual Effects*** for additional information regarding mitigation measures.

8.3.7 Tribes, Individuals, Organizations, or Agencies Consulted

The EA must list tribes, individuals, organizations, and agencies consulted ([40 CFR 1508.9\(b\)](#)). Long contact lists may be referenced or provided in an appendix to the EA. It may be appropriate to provide brief statements regarding the purpose for the contacts and the results. You may include comments received from tribes and the public in this section, though you may also include them in the discussion of scoping and issues earlier in the EA, or describe them in the decision record (see sections **8.3.3, *Scoping and Issues*** and **8.5.1, *Documenting the Decision***). If large numbers of substantive comments are received, you may summarize them in the EA or decision record, but you must retain the comment letters in the administrative record. It is important that you not only evaluate and summarize the substantive comments, but be able to demonstrate that you considered them.

8.3.8 List of Preparers

We recommend that you provide a list of the specialists who prepared the EA and their area of expertise.

8.4 DETERMINATION OF SIGNIFICANCE

Based upon the analysis, provide a determination as to whether or not the selected alternative will have significant environmental effects (see section **7.3, *Significance***). This determination yields different results, as outlined below.

8.4.1 Significant Impacts -Transitioning from an EA to an EIS

If you determine that the effects of the alternative you wish to select are significant, you cannot approve the action unless it is either analyzed in an EIS or modified to avoid significant effects.

In the event that you determine an EIS is necessary, draw the EA preparations to a close (retain all documents). You must publish in the *Federal Register* a Notice of Intent (NOI) to prepare an EIS (refer to section **13.1, *Publishing Notices in the Federal Register***). You may integrate the information assembled and analysis completed for the EA into the EIS and use it for scoping for the EIS. Information related to how and when scoping was conducted for the EA, the results, and any comments received can still be very helpful. However, the scoping for the EA does not take the place of the scoping required after publication of the NOI for the EIS unless a public notice for scoping for the EA said that preparation of an EIS was a possibility and that comments would still be considered (see [Question 13, CEQ, *Forty Most Asked Questions Concerning CEQ's NEPA Regulations*, March 23, 1981](#)).

When transitioning to an EIS, organize materials used for the EA so that pertinent portions may be integrated into the EIS. As discussed above, information about the scoping process and issues, contact lists used for scoping, and comments received may be especially helpful. Discussions from the EA of the purpose and need, proposed action and alternatives may streamline the initiation of the EIS process. Descriptions of the affected environment and the analyses of effects, including assumptions and methodologies, may also be directly incorporated into the EIS.

8.4.2 The Finding of No Significant Impact (FONSI)

The FONSI is a document that explains the reasons why an action will not have a significant effect on the human environment and, why, therefore, an EIS will not be required ([40 CFR 1508.13](#)). The FONSI must succinctly state the reasons for deciding that the action will have no significant environmental effects ([40 CFR 1508.13, Questions 37a, CEQ, *Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981*](#)). The FONSI need only provide a basis for the conclusion that the selected alternative(s) will have no significant effect. Alternatives that are not selected but may have significant effects do not trigger the preparation of an EIS nor do they have to be described in the FONSI. We recommend that the FONSI address the relevant context and intensity factors described in section **7.3, *Significance***.

There are two situations when a FONSI is prepared:

- EA analysis shows that the action would have no significant effects.
- EA analysis shows that the action would have no significant effects beyond those already analyzed in an EIS to which the EA is tiered (see section **5.2.2, *Tiering***). You may find that your action has significant effects and still reach a FONSI, provided that those significant effects were fully analyzed in the EIS to which your EA tiered (see section **5.2.2, *Tiering***). In this case, we recommend that you state in the FONSI that there are no significant impacts beyond those analyzed in the EIS to which this EA is tiered.

The EA must be attached to the FONSI or incorporated by reference into the FONSI ([40 CFR 1508.13, Question 37a, CEQ, *Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981*](#)). The FONSI must note any other relevant environmental documents related to the findings, and must be signed and dated by the decision-maker ([40 CFR 1501.7\(a\)\(5\), 40 CFR 1508.13](#)). The FONSI is not the authorizing document for the action: the decision record is the authorizing document.

Some FONSI must be made available for a 30-day public review before the determination of whether to prepare an EIS ([40 CFR 1501.4 \(e\)\(2\)](#); also see [40 CFR 1501.4 \(e\)\(1\)](#)). Public review is necessary if or when:

- the proposal is a borderline case, (such as when there is a reasonable argument for preparation of an EIS)
- it is an unusual case, a new kind of action, or a precedent-setting case, such as a first intrusion of even a minor development into a pristine area
- there is either scientific or public controversy over the effects of the proposal
- it involves a proposal that is similar to one that normally requires preparation of an EIS

You must also allow a period of public review of the FONSI if the proposed action is construction in a wetland or would be located in a floodplain. ([Question 37b, CEQ, *Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981*](#), citing [E.O. 11990, sec. 2\(b\)](#) and [E.O. 11988, sec. 2\(a\)\(4\)](#)).

In addition, the decision-maker may decide to release the unsigned FONSI and EA for public review and comment even if the proposal does not meet the criteria described above. Consider the complexity of the project and issues, as well as the level of public interest, in determining the length of review and comment period. Releasing the documents for public review and comment is typically done to allow the public, agencies and tribes the opportunity to respond to the analysis of impacts and to further long-term collaborative efforts.

If you release the EA and FONSI for public review, we recommend that you not sign the FONSI until the public review is completed and any necessary changes made to the EA. Include a discussion of comments received on the EA and FONSI and their disposition in the decision record (see **8.5.1, *Documenting the Decision***).

The FONSI is signed before issuance of the decision record. The FONSI must not be combined with the EA or decision record, although these may be attached to each other ([516 DM 2.3\(C\)](#)).

No format requirement exists for a FONSI; however, [a suggested format and examples are provided in the Web Guide](#).

8.5 THE DECISION RECORD

Neither the EA nor the FONSI is a decision-making document. Decisions regarding proposed actions analyzed in an EA are documented in accordance with program-specific requirements. While the NEPA does not require a specific decision document regarding actions for which an EA has been completed, the BLM has chosen to use the “decision record” (DR) to document the decision regarding the action for which the EA was completed. The decision cannot be implemented until the DR is signed. Refer to section **8.3.6, *Environmental Effects*** and **Chapter 10, *Monitoring***, for discussion of mitigation and monitoring to be included in the DR. Check for and follow program-specific requirements on the content and format of a DR. If there are no program-specific requirements for the DR or if they are only general, use the guidance in section **8.5.1, *Documenting the Decision*** to organize the content and format of the DR.

8.5.1 Documenting the Decision

Organize the DR using the content outline below:

1. Identify compliance with major laws pertinent to the decision, such as the Endangered Species Act, National Historic Preservation Act, and the Clean Water Act. Also describe conformance with the LUP, and other applicable laws, regulations, and policies.
2. Identify the selected alternative. Describe as precisely as possible specific features of the decision, or incorporate by reference the description of the selected action in the EA. Identify mitigation and monitoring measures that have been selected to be implemented. While incorporating by reference to describe the alternative and mitigation measures is encouraged, the specifics of what is being approved must be made clear. The DR must also identify any limitations on when the decision may be implemented.

3. Reference the FONSI indicating that the action has been analyzed in an EA and found to have no significant impacts, thus an EIS is not required.
4. Summarize the public involvement undertaken and comments received and describe how substantive comments were considered in making the decision (see also sections **6.9.2, Comments**, and **8.3.7, Tribes, Individuals, Organizations, or Agencies Consulted**).

Note: We recommend that you address timely comments received on the EA or FONSI during review, and that you document your responses, as described below:

- a. Integrate comments that provide substantive new information relevant to the analysis, FONSI or decision be integrated into the EA (which becomes a “new” EA), with any changes to the FONSI reflected in a new FONSI, and the comment and its import acknowledged in the DR. If the EA and FONSI are substantively changed, the new EA and FONSI may need to be circulated for public review and comment. It is within the decision-makers’ discretion to determine whether or not to circulate the new EA and FONSI for public review and comment.
 - b. Substantive comments that provide minor corrections or updates to the EA may be simply integrated into the EA and acknowledged in the DR. There typically will be no need to re-circulate the EA and FONSI for public review and comment; however, that determination is left to the discretion of the decision-maker.
 - c. If a substantive comment does not lead to changes in the EA, FONSI or DR, you may reply directly to the commenter. For this situation, we recommend that you document your reply in the administrative record.
 - d. While you are not required to respond to non-substantive comments, you may wish to acknowledge them. See section **6.9.2.2, Comment Response** for methods to acknowledge comments.
5. Explain the rationale for the decision, explaining how the selected alternative addresses the purpose and need for action and why it was selected over other alternatives. Include all program-specific requirements.
 6. Describe protest and appeal opportunities.
 7. The decision-maker must sign and date the DR.
 8. You must provide notice of the signed DR, FONSI, and EA ([40 CFR 1506.6\(b\), Question 38, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981](#)) (see section **6.9.1, Involving and Notifying the Public**).

[The Web Guide provides several examples of Decision Records and an optional format.](#)

8.5.2 Terminating the EA Process

When you terminate the EA process prior to completion, complete your administrative record, documenting the reason or reasons for aborting the process. If you have given public notice of the EA process, inform interested persons and parties that you are terminating the EA process.

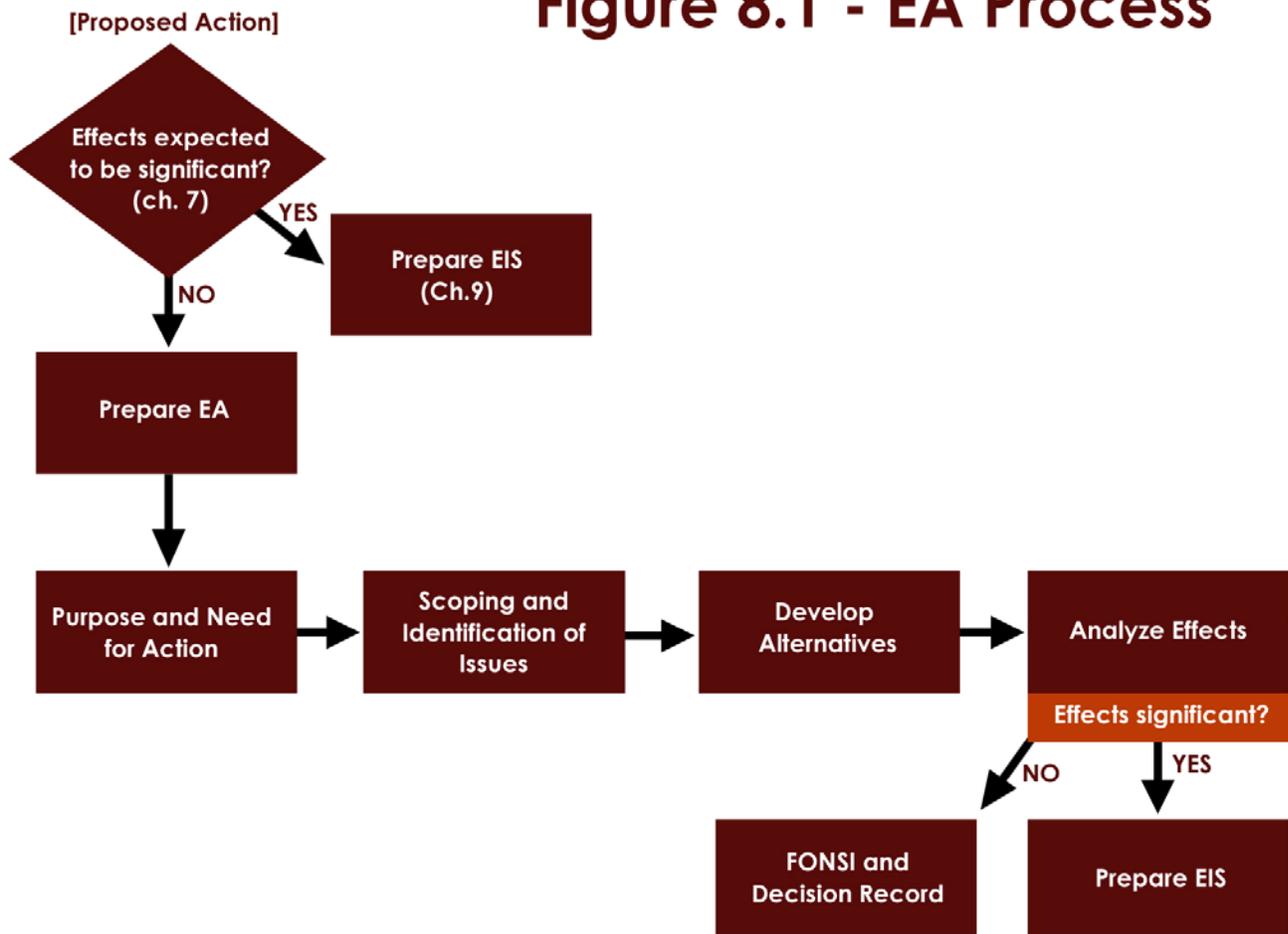
8.6 IMPLEMENTATION

A decision may not be implemented until the FONSI and DR have been signed and all other program-specific procedural requirements have been met (such as applicable protest and appeals procedures).

Implementation of the action, including any mitigation and monitoring measures adopted in the decision record, must be in accordance with the decision described in the DR. [Program-specific guidance regarding protest and appeal provisions and timing of implementation relative to public notification can be found in the Web Guide.](#)

Figure 8.1 EA Process

Figure 8.1 - EA Process



CHAPTER 9—PREPARING AN ENVIRONMENTAL IMPACT STATEMENT

General

- 9.1 Preparing to Write an EIS
- 9.2 EIS Format
- 9.3 Issuing the Draft EIS
- 9.4 The Final EIS
- 9.5 Supplements to Draft and Final EISs
- 9.6 Issuing the Final EIS
- 9.7 Preparing and Issuing the Record of Decision
- 9.8 Terminating the EIS Process

GENERAL

The steps for performing an EIS-level analysis follow the NEPA analysis steps laid out in **Chapter 6, *NEPA Analysis***. This chapter should be consulted as the BLM begins and works through the analytical process.

9.1 PREPARING TO WRITE AN EIS

9.1.1 Develop Preparation Plan

You must develop a preparation plan (also referred to as “prep plan”) before initiating an EIS for land use plans ([BLM Land Use Planning Handbook H-1610-1](#), pages 17–18, March 11, 2005). We recommend that you develop a preparation plan for other EISs. The preparation plan facilitates coordination between participants involved in the preparation of the EIS and those with approval and oversight responsibility. A properly prepared preparation plan provides the foundation for the entire planning process by identifying the issues to be addressed; the skills needed to address the issues; a preliminary budget that can be used for cost estimates; important legal, regulatory and policy guidance; and available and needed data and metadata.

Appendix F-1 in the [BLM Land Use Planning Handbook H-1601-1](#) describes in detail what goes into a preparation plan for an LUP; the contents may be tailored to fit any action effort involving an EIS. We recommend that preparation plans contain the following information and discrete sections:

- Introduction and Background
- Anticipated Issues and Management Concerns
- Important Legal, Regulatory and Policy Guidance
- Data and GIS Needs, Including Data Inventory
- Participants in the Process
- Process for EIS Development
- Schedule
- Communications Strategy
- Budget

[Links to examples of a non-LUP prep plan and an LUP or EIS prep plan can be found in the Web Guide.](#)

9.1.1.1 Develop Strategy for Public Involvement and Interagency/Intergovernmental Coordination and Consultation

The public involvement and interagency or intergovernmental coordination and consultation strategy is an integral part of the EIS process. We recommend that it be described in the preparation plan and that it remain flexible.

We recommend that the public involvement strategy: identify tribes, individuals, organizations and other agencies known to be interested or affected by the proposed action; identify agencies with special expertise or jurisdiction by law; identify possible cooperating agencies (see **Chapter 12, Cooperating Agencies, Joint Lead Agencies, and Advisory Committees**); identify the role, if any, of the BLM Resource Advisory Council; identify schedules for scoping, including public meetings, and timing for electronic and postal mail notifications; identify the process for tracking and recording public involvement and include lists of contacts. The public involvement strategy will likely be updated during the EIS process.

Public notice (see section 6.9.1, *Involving and Notifying the Public* for a discussion on the various ways the public can be notified) must be provided for any EIS-related meetings or hearings ([40 CFR 1506\(b\)](#) (see sections 9.3.2, *Notify the Public and Government Agencies of the Availability of the Draft EIS for Review and Comment*; 9.4.2, *Full Text Final EIS*; 9.7, *Issuing the Record of Decision*; and 13.1, *Publishing Notices in the Federal Register* for additional guidance). The BLM must also provide public notice of the availability of the draft and final EIS documents, as well as the Record of Decision ([40 CFR 1506\(b\), Question 34a, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981](#))).

Ensure the public involvement strategy is sensitive to language or cultural barriers. Hold meetings in ways that accommodate cultural traditions, values and methods of communication. Follow the requirements of the [Federal Advisory Committee Act of 1972 \(FACA\)](#). See **Chapter 12, Cooperating Agencies, Joint Lead Agencies, and Advisory Committees** for additional information on the FACA.

9.1.2 Publish the Notice of Intent

Publishing the Notice of Intent (NOI) in the *Federal Register* begins the formal scoping process and serves as the official legal notice that the BLM, or when the BLM is the lead agency, the BLM and its cooperators, are commencing an EIS. The NOI must include:

- A description of the purpose & need, the draft proposed action, & possible alternatives, if available. For some BLM-initiated actions, where the proposed action has not yet been developed in detail, the reason for initiating the EIS must be clearly stated.
- A description of the agency's proposed scoping process; this should include whether, when, and where any scoping meetings will be held. If the time and place of scoping meetings is not known, the NOI must state how the time and place will be announced.
- The name and address of the BLM contact for the proposed action and EIS ([40 CFR 1508.22](#)).
- For planning documents, also identify preliminary planning issues and planning criteria. (See the [BLM Land Use Planning Handbook, H-1601-1](#), pages 18–19, March 11, 2005).

The BLM requires that the NOI be formatted in accordance with *Federal Register* guidance on notices (see section **13.1, *Publishing Notices in the Federal Register***). [An example of an NOI can be found in the Web Guide](#). Check program guidance for any additional information that must be included in the NOI. For example, there is a specific format for a call for nominations for oil and gas leasing. [See the Web Guide for an example of an NOI that also includes a call for nominations for oil and gas](#).

A revised NOI may be required if there are any substantial changes to the proposed action or if substantial new circumstances or information arise that relate to the proposal or its impacts, such that the BLM would essentially be starting over with the NEPA process. Minor changes may be addressed in the Notice of Availability (NOA) for the draft EIS.

Additional guidance on publishing notices in the *Federal Register* for EISs can be found in **Chapter 13, *Administrative Procedures***. Contact your State office for current briefing and approval procedures for NOIs and NOAs.

9.1.3 Scoping

Scoping is the process required by the CEQ for EISs by which the BLM solicits input on the issues and impacts that will be addressed in a NEPA document as well as the degree to which those issues and impacts will be analyzed. The intent of scoping is to focus the analysis on significant issues and reasonable alternatives, to eliminate extraneous discussion, and to reduce the length of the EIS. No guidance is provided by the CEQ for the length of scoping periods. Check individual program guidance for any prescribed minimum periods.

Scoping must be conducted both internally with appropriate BLM staff, and externally with interested and affected public, agencies, tribes, and organizations ([40 CFR 1501.7](#)) (see section **6.3, *Scoping*** for more discussion of scoping).

Formal public scoping begins following publication of an NOI. Informal internal and external scoping may occur before the formal scoping period begins. Scoping can provide valuable information in identifying issues related to cumulative effects.

The CEQ regulations at [40 CFR 1501.7](#) require the following in an agency's scoping process:

- Invite participation from affected Federal, State, local, and tribal organizations and interested persons.
- Determine the scope or extent of the EIS and the significant issues to be analyzed. Scoping is valuable in identifying connected, cumulative, and similar actions.
- Eliminate those issues raised that are not related to potentially significant impacts or those that have been covered in other environmental documents. Make assignments for preparation of the EIS between the lead and cooperating agencies.
- Identify any environmental documents being prepared that have relevance to, but are not part of, the scope of this EIS.
- Identify other environmental review and consultation requirements.
- Discuss the relationship between the timing of the preparation of the EIS and the agency's tentative planning and decision-making schedule.

In addition to publishing the NOI in the *Federal Register*, we recommend a notice announcing the beginning of the formal scoping process be published in local newspapers and be sent to interested agencies, organizations, and other stakeholders.

Prepare a scoping report that discusses the issues raised during the scoping process, the issues to be addressed in the EIS, the issues that will not be addressed in the EIS and why (see section **6.4, Issues**), a list of participants in the scoping process, and the views of those participants. [See the Web Guide for an example of a scoping report.](#)

Figure 9.1 The EIS Process



9.2 EIS FORMAT

This section outlines a suggested format for an EIS, although the specific elements and their order should remain flexible. For example, in some instances it may be desirable to combine chapters three and four in this outline into one chapter. The BLM Land Use Planning Handbook provides a recommended format for planning-related EISs.

9.2.1 Cover Sheet

The cover sheet must not exceed one page and must include:

- a list of responsible agencies including the lead agency and any cooperating agencies.
- the title and location of the proposed action that is the subject of the statement.
- the name, address, and telephone number of the BLM contact person.
- designation of the statement as a draft, final, or supplemental.
- a one-paragraph abstract of the statement that identifies significant impacts and alternatives to the proposed action or proposal.
- the date by which comments must be received. ([40 CFR 1502.11](#))

It is optional to include the name and title of the person responsible for preparing the EIS and the decision-maker for the action.

9.2.2 “Dear Reader” Letter

You may use a letter signed by the decision-maker responsible for preparing the EIS to request review and comment on the draft. You may use this letter to inform the reader of other details pertinent to the review. For example, if you anticipate an abbreviated final EIS, the letter may suggest that the reader retain the draft for reference. Make sure you include the privacy language discussed in section 6.9, *Public Involvement and Responding to Comments*. Be specific about what you want the reader to focus on, but remember that the reader can decide which areas to address. [See the Web Guide for an example of a Dear Reader letter.](#)

9.2.3 Summary

The EIS must contain a summary identifying the areas of controversy (including issues raised by agencies and the public), the issues to be resolved (including the choice among alternatives), and the major conclusions of the analysis. The summary normally must not exceed 15 pages, and must focus on the key points of each section ([40 CFR 1502.12](#)).

9.2.4 Table of Contents

Ensure that the table of contents is sufficiently detailed to allow the reader to quickly locate major subject matter in the EIS, particularly specific impact topics and alternatives analyzed in the document.

9.2.5 Chapter 1—Introduction

This chapter includes the following:

- purpose and need; and we recommend you include decisions to be made (see section **6.2, *Purpose and Need***);
- the general location, including maps when appropriate;
- major authorizing laws and regulations;
- an explanation of the relationship of the proposed action to BLM policies, plans, and programs;
- the relationship to non-BLM policies, plans, and programs—including discussions of any land use planning or zoning statutes or requirements that may affect or limit the proposal. You must identify or reference any germane land use planning or zoning statutes or requirements ([40 CFR 1502.16\(c\)](#), [40 CFR 1506.2\(d\)](#)). An exhaustive list of all applicable laws and regulations is not appropriate; and
- a list of all Federal permits, licenses, and other entitlements that must be obtained in implementing the proposal ([40 CFR 1502.25\(b\)](#)). It is optional to list authorizing actions by State and local entities. To the fullest extent possible, the environmental analyses for these related permits, licenses, and approvals must be integrated and performed concurrently ([40 CFR 1502.25](#), [40 CFR 1506.2\(b\)](#)).

9.2.6 Issues

Issues may be raised by the public, other agencies, or the BLM throughout the NEPA analysis process. See section **6.4, *Issues***, for a complete discussion of issues. Include in the administrative record or the EIS supporting documentation indicating why an identified issue was not analyzed.

The section of the EIS describing the issues for analysis (and issues identified, but not analyzed) may be organized into its own chapter, as an appendix, or may be presented within other chapters of the EIS.

9.2.7 Chapter 2—Proposed Action and Alternatives

The EIS must describe the proposed action and alternatives ([40 CFR 1502.14](#)) (see sections **6.5, *Proposed Action*** and **6.6, *Alternatives Development***). The EIS must consider a range of reasonable alternatives, including the Proposed Action and No Action alternative, and provide a description of alternatives eliminated from further analysis (if any exist) with the rationale for elimination ([40 CFR 1502.14\(a\)](#)). The CEQ regulations direct that an EIS include a description of the No Action alternative ([40 CFR 1502.14\(d\)](#)) (see section **6.6.2, *No Action Alternative***). The No Action alternative is the only alternative that must be analyzed in an EIS that does not respond to the purpose and need for the action.

This chapter must also document:

- design features that would minimize potentially significant impacts ([40 CFR 1502.14\(f\)](#));
- LUP conformance (except for EISs prepared for approval, amendment, or revision of LUPs) ([516 DM 11.5](#));
- the BLM’s preferred alternative(s), if one or more exists ([40 CFR 1502.14\(e\)](#)); and
- summary of effects (usually in a table) ([40 CFR 1502.14](#)) (see section **9.2.9**, *Environmental Effects*)

9.2.7.1 Reasonable Alternatives for an EIS

The CEQ regulations direct that an EIS “rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives that were eliminated from detailed study, briefly discuss the reasons for their having been eliminated” ([40 CFR 1502.14\(a\)](#)): see also [NEPA Sec. 102\(2\)\(C\)\(iii\)](#).

For projects proposed under the Healthy Forests Restoration Act of 2003 (P.L. 108–148) refer to specific guidance regarding analysis of alternatives in section **6.6.1, Reasonable Alternatives**.

The CEQ regulations also direct that an EIS “...include reasonable alternatives not within the jurisdiction of the lead agency” ([40 CFR 1502.14\(c\)](#)) (see section **6.6.1, Reasonable Alternatives**). When there are multiple agencies cooperating to develop one EIS for several agency-specific decisions, the alternatives should be developed to ensure that each agency will be able to develop its ROD from the FEIS.

9.2.7.2 Features Common to All Alternatives

Describe features that are common to all alternatives. These features need only be described in detail once. For example, identify common features in the description of the proposed action and cross-reference to that description in the discussion of each alternative to which they apply. Another option is to describe common features under a separate heading.

Common features typically include standard operating procedures and other BLM requirements prescribed by law, regulation or policy. This may also include a description of relevant laws, regulations, required permits, licenses, or approvals.

For a land use plan amendment or revision we recommend that you include management direction carried forward from the existing plan.

9.2.7.3 Agency Preferred Alternative

The CEQ regulations at [40 CFR 1502.14\(e\)](#) direct that an EIS “...identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.” The preferred alternative may be identified in an explanatory cover letter to the draft EIS

Note that BLM planning regulations at [43 CFR 1610.4–7](#) require identification of the preferred alternative in a draft EIS for a resource management plan.

or within the text. The final EIS must identify the preferred alternative unless another law prohibits the expression of such a preference. Publication of an EIS without identifying the preferred alternative must be approved by the OEPC and the Office of the Solicitor ([516 DM 4.10\(b\)\(3\)](#)).

The identification of a preferred alternative does not constitute a commitment or decision in principle, and there is no requirement to select the preferred alternative in the ROD. The identification of the preferred alternative may change between a draft EIS and final EIS. Various parts of separate alternatives that are analyzed in the draft can also be “mixed and matched” to develop a complete alternative in the final as long as the reasons for doing so are explained. Selection in the ROD of an alternative other than the preferred alternative does not require preparation of a supplemental EIS if the selected alternative was analyzed in the EIS. In any case, you must provide the rationale for selection in the ROD ([40 CFR 1502\(b\)](#)).

When an EIS is prepared jointly, the lead agency with responsibility for preparing the EIS and ensuring its adequacy is responsible for identifying the agency’s preferred alternative (see [Question 4c, CEQ, *Forty Most Asked Questions Concerning CEQ's NEPA Regulations*, March 23, 1981](#)). Whereas the BLM must work with cooperators and other interested parties to encourage consensus on a preferred alternative, the preferred alternative in the EIS represents the preference of the lead agency. Cooperators and other interested parties can express their preferences through scoping and comments on the draft EIS. The BLM will occasionally prepare an EIS with another Federal agency as “joint lead” agencies ([40 CFR 1506.2\(b\)](#)). In such circumstances, the joint lead agencies must work towards reaching consensus about the preferred alternative. If consensus cannot be reached, we recommend that each joint lead agency clearly identify their preferred alternative and explain the basis for their preference and why consensus could not be reached. (See section **12.2, *Joint Lead Agencies in Development of NEPA Documents***).

The proposed action may be, but is not necessarily, the BLM’s preferred alternative. For internally proposed actions implementing the LUP, the proposed action will often end up as the BLM’s preferred alternative. For external proposals or applications, the proposed action may not turn out to be the BLM’s preferred alternative, because the BLM will often present an alternative that would incorporate specific terms and conditions on the applicant.

9.2.8 Chapter 3—Affected Environment

You must provide brief description of the environment likely to be affected by the proposed action or alternatives. Limit the description of the affected environment to that information relevant to understanding the effect(s) of the proposed action or alternative (see sections **6.7.1, *Affected Environment*** and **6.7.2, *Use of Relevant Data***). You may present the affected environment description as its own section, or combined with environmental effects. If the EIS will be used to document compliance with any supplemental authorities, some of which are listed in **Appendix 1, *Supplemental Authorities to be Considered***, it may be necessary to provide a description of the resources of concern.

9.2.9 Chapter 4—Environmental Effects

The EIS must describe and provide the analysis of environmental effects of the proposed action and each alternative analyzed in detail ([40 CFR 1502.16](#)). Describe the assumptions and assessment criteria used in analyzing impacts. Identify any time-frames, rates of change, and other common data applied to the analysis. Explain assumptions used when information critical to the analysis was incomplete or unavailable. Include relevant reasonably foreseeable development scenarios for certain programmatic EISs and for cumulative effects analysis. See section **6.8.1.2, *Analyzing Effects*** for a discussion of when methodologies must be discussed in the main text and when they may be placed in an appendix. See section **6.7.2, *Use of Relevant Data***, for a discussion of incomplete or unavailable information.

“The discussion will include the environmental impacts of the alternatives including the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, the relationship between short-term uses of man’s environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented” ([40 CFR 1502.16](#)).

Discussion of impacts may either be organized by alternative with impact topics as subheadings or by impact topic with alternatives as subheadings. Generally, if impacts to a particular resource for one alternative are the same as another alternative, make reference to that section in the EIS rather than repeating the information.

Based on the effects analysis in this chapter, develop a summary comparison of effects by alternative and include the summary in the section that describes the alternatives in Chapter 2. You must describe direct, indirect, and cumulative impacts of each alternative ([40 CFR 1508.25\(c\)](#)). We recommend that you quantify the effects analysis as much as possible and describe effects in terms of their context, duration, and intensity. Base the analysis of impacts on the assumption that all standard operating procedures and other standard BLM-wide requirements will be followed in implementing the proposed action and alternatives unless changes in such practices are specifically being addressed in the analysis or considered in an alternative.

You must consider long-term impacts and the effect of foreclosing future options. Describe the relation between short-term uses of the environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources that would be involved in the proposal if it is implemented ([40 CFR 1502.16](#)).

All “relevant, reasonable mitigation measures that could improve the project are to be identified,” even if they are outside the jurisdiction of the agency (See [Question 19b, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981](#)). See section **6.8.4, Mitigation and Residual Effects**, for more discussion of mitigation measures including the difference between these measures and design features of the alternatives. If mitigation measures are identified, those measures must be analyzed “even for impacts that by themselves would not be considered significant” (See [Question 19a, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981](#)). Analyze and compare the effectiveness of mitigation measures proposed and the effects if the project were to proceed without mitigation. Include an assessment of any residual direct, indirect, or cumulative effects that will remain after application of the mitigation measures.

[Question 5b, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981.](#)

5b. Is the analysis of the “**proposed action**” in an EIS to be treated differently from the analysis of alternatives?

A. The degree of analysis devoted to each alternative in the EIS is to be substantially similar to that devoted to the “proposed action.” Section 1502.14 is titled “Alternatives including the proposed action” to reflect such comparable treatment. Section 1502.14(b) specifically requires “substantial treatment” in the EIS of each alternative including the proposed action. This regulation does not dictate an amount of information to be provided, but rather, prescribes a level of treatment, which may in turn require varying amounts of information, to enable a reviewer to evaluate and compare alternatives.

9.2.10 Chapter 5 - Consultation and Coordination

Include a brief history of the public involvement (including scoping) undertaken, a list of agencies (including cooperating agencies) and organizations consulted, a list of preparers and their expertise, and a list of recipients of the EIS. In the final EIS, include a response to comments section.

9.2.10.1 Public Involvement and Scoping

- Summarize the scoping process, including efforts to involve the public in preparation of the EIS. Briefly describe the scoping meetings (when, where, how many, topics), the major issues that arose during scoping if they have not been discussed in Chapter 1, and the comments received.
- Include names of any Federal, State, or local agencies, major organizations or individuals consulted.
- Identify any unresolved environmental issues or conflicts discussed during scoping.
- Include a list of all agencies, organizations, and people to whom you will send copies. This list may be organized alphabetically under “Federal agencies,” “State and local agencies,” “Indian tribes,” “organizations,” and “individuals.” If this list of individuals is excessively long, you may place it in the administrative record instead of the EIS, but note in the EIS that a complete list is found in the administrative record. In the final EIS, provide an updated list of recipients, as necessary, to indicate who will be receiving the final EIS.

Although not required, you may find it to be useful to provide a discussion of the government-to-government consultation process that was followed during the EIS process. The BLM Handbook H-8120-1 contains examples of program guidance for Native American consultation, and the BLM Manual 8120, *Tribal Consultation Under Cultural Resources*, provides detailed guidance for this consultation. [See the Web Guide for a copy of H-8120-1.](#)

9.2.10.2 List of Preparers

The EIS must include a list of individuals, including names and qualifications, primarily responsible for preparing the document or significant supporting reports ([40 CFR 1502.10\(h\)](#) and [40 CFR 1502.17](#)).

9.2.11 Other Material

- The last section of the EIS may include a bibliography, glossary, index of key words, and appendices.
- The bibliography includes a list of references cited in the EIS, including written material and personal communications.
- Define in a glossary, using plain language, any technical or other terms not understandable to an average lay reader. Either in the glossary or in a separate list define any acronyms used in the EIS.
- You must include an alphabetically ordered index that contains enough key words from the EIS to allow the reader to find the information (see [Questions 26a and 26b, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981](#)).
- Appendices are for support of critical analyses in the EIS. An appendix is not a data bank or library for total reference support, but contains only major substantiating data, essential relevant descriptions of environmental components, or other information necessary for complete use of the EIS for analytical or decision-making purposes. You

may keep other supporting material in the administrative record and make it available if requested, instead of including it as an appendix.

9.3 ISSUING THE DRAFT EIS

Once approved, print the draft EIS, file it with the Environmental Protection Agency (EPA), and issue it for public review and comment. See **Chapter 13, *Administrative Procedures***, for information on printing the draft EIS.

9.3.1 File with the EPA

File the draft EIS with the EPA in accordance with procedures identified in Chapter 13. The EPA will then publish notice of the filing in the *Federal Register*. The date the EPA notice appears in the *Federal Register* initiates the public review period. Consult program-specific guidance for additional requirements regarding filing procedures.

9.3.2 Notify the Public and Government Agencies of the Availability of the Draft EIS for Review and Comment

You must provide public notification of the availability of the draft EIS, and that notification must include publication of a notice of availability (NOA) in the *Federal Register* for actions with effects of national concern ([40 CFR 1506.6\(b\)](#)). You must publish an NOA in the *Federal Register* for a draft EIS prepared for a LUP or LUP amendment ([BLM Land Use Planning Handbook H-1601-1](#)). The CEQ regulations at [40 CFR 1503.1](#) require that the BLM obtain comments from Federal agencies with jurisdiction by law or special expertise; and that we request comments from appropriate State and local agencies, tribes, and any agency that requests a copy of the EIS). There are no content or format requirements for an NOA other than those associated with the preparation of notices for publication in the *Federal Register* (see section **13.1, *Publishing Notices in the Federal Register***). In addition to announcing the availability of a document and the public review period, where applicable, the NOA will generally identify the purpose and need of the action, describe the proposed action and alternatives, and indicate the dates and location of public meetings on the document. Consult program-specific guidance for any other content requirements. A sample notice is shown in **Appendix 11, *Federal Register Illustrations***. [Sample NOAs for draft and final EISs are available in the Web Guide](#). Check with your State NEPA coordinator and Public Affairs Chief for information about the appropriate documentation to include with your NOA. Public affairs will also assist with procedures for notifying appropriate members of the Congressional Delegation from your State.

The public comment period for all draft EISs must last at least 45 days ([516 DM 4.26](#)), but some programs require longer comment periods. For example, a draft EIS for a LUP or LUP amendment must be available for a 90-day comment period ([BLM Land Use Planning Handbook H-1601-1](#), page 23). Check program guidance requirements.

A press release is usually prepared for national media, local media, or both to announce the availability of the draft and to announce any public meetings or hearings.

9.3.3 Distribute the Draft EIS

“Agencies shall circulate the entire draft and final environmental impact statements except for certain appendices as provided in Sec. 1502.18(d) and unchanged statements as provided in Sec. 1503.4(c). However, if the statement is unusually long, the agency may circulate the summary instead, except that the entire statement shall be furnished to:

- (a) Any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved and any appropriate Federal, State or local agency authorized to develop and enforce environmental standards.
- (b) The applicant, if any.
- (c) Any person, organization, or agency requesting the entire environmental impact statement.
- (d) In the case of a final environmental impact statement any person, organization, or agency which submitted substantive comments on the draft.

If the agency circulates the summary and thereafter receives a timely request for the entire statement and for additional time to comment, the time for that requestor only shall be extended by at least 15 days beyond the minimum period” ([40 CFR 1502.19](#)).

Distribute the draft EIS before or on the same day copies are transmitted to the EPA for filing (see section **13.3.2, *Procedures for Filing with the EPA*** for more discussion). Provide two copies to the BLM Library at the National Science and Technology Center in Denver and two copies to the BLM Planning Office in Washington, D.C. (WO-210). [The standard distribution of EISs to other Interior and Federal agencies is described in the Web Guide](#). You must make copies available to any requesting party (40 CFR 1505.5(f)). Make sufficient copies available for review in appropriate BLM offices, including the State Office, and for distribution to those who request a copy during the review period. The use of Web sites to distribute draft and final EISs and RODs is encouraged, as is the use of compact disks or other electronic media. However, do not underestimate the number of paper copies that will be needed; there are still many people who will want a paper copy. The State NEPA coordinator can provide guidance on this process. The BLM may charge requesting parties the cost of production for a document copy in a particular format or in multiple copies.

9.3.4 Public Meetings and Hearings

You may hold public meetings or hearings to receive comments on the draft EIS. (See section **6.9.1, *Involving and Notifying the Public***). You must maintain records of public meetings and hearings including a list of attendees (as well as addresses of attendees desiring to be added to the mailing list) and notes or minutes of the proceedings. Consult [455 DM 1](#) for procedural requirements related to public hearings. Check individual program guidance to determine requirements for public meetings and hearings. See section **6.9.2, *Comments***, for a discussion of how to manage and process comments on the draft.

9.4 THE FINAL EIS

Following public review of the draft EIS, the lead agency prepares a final EIS (unless a decision is made to terminate the EIS).

9.4.1 Abbreviated Final EIS

In deciding whether an abbreviated EIS is appropriate, consider the extent of the changes made to the EIS as a result of comments on the draft. If you make only minor changes to the draft EIS in response to comments, then you may prepare an abbreviated final EIS. An abbreviated final EIS only contains a cover sheet, an explanation of the abbreviated EIS, copies of substantive comments received on the draft, responses to those comments, and an *errata* section with specific modifications and corrections to the draft EIS made in response to comments ([40 CFR 1503.4](#)). Abbreviated EISs require that the reader have access to both the draft and the final EIS. Because a draft EIS is usually required to understand changes in an abbreviated EIS, send the appropriate number of draft EISs with the abbreviated final EIS to the EPA when filing the final. [See the Web Guide for examples of abbreviated EISs.](#)

9.4.2 Full Text Final EIS

If you make major changes to the draft EIS, the final EIS should be a complete full text document. The content of a full text document is substantially the same as the corresponding draft EIS except that it includes copies of substantive comments on the draft EIS, responses to those comments and changes in or additions to the text of the EIS in response to comments ([40 CFR 1503.4](#)). A full text final EIS may incorporate by reference some of the text or appendices of the draft EIS (see section [5.2.1, *Incorporation by Reference*](#)).

9.5 SUPPLEMENTS TO DRAFT AND FINAL EISs

See section [5.3, *Supplementing an EIS*](#), for a discussion of when to supplement a draft or final EIS. The standard procedural and documentation requirements for preparing an EIS described in this chapter also apply to supplementing an EIS, with the following exceptions:

- Additional scoping is optional ([40 CFR 1502.9 \(c\)](#)).
- We recommend that the supplemental EIS identify the EIS being supplemented on the cover page, and explain the relationship of the supplement to the prior analysis early in the text.
- We recommend that the supplemental EIS identify the changes in the proposed action or the new information or changed circumstances that require the BLM to prepare the supplement.

- The OEPC and the Office of the Solicitor must be consulted before proposing to the CEQ to prepare a final supplement without preparing an intervening draft ([516 DM 4.5\(B\)](#)).

You must circulate a supplement in the same manner as a draft or final EIS ([40 CFR 1502.9\(c\)](#)). If there is good reason to believe the interested and affected public will have a copy of the draft or final EIS, you only need to circulate the supplement. If you do not circulate the EIS being supplemented with the supplement, it must be reasonably available for public inspection ([40 CFR 1506.6\(f\)](#)).

9.6 ISSUING THE FINAL EIS

Once the final EIS is prepared, print it, file it with the EPA, and distribute it to the public. (See **Chapter 13, *Administrative Procedures*** for guidance on printing, filing, and distributing the EIS.) You must provide public notification of the availability of the final EIS, and that notification must include publication of a notice of availability (NOA) in the *Federal Register* for actions with effects of national concern ([40 CFR 1506.6\(b\)](#)). You must publish an NOA in the *Federal Register* for a final EIS prepared for a LUP or LUP amendment (*BLM Land Use Planning Handbook H-1601-1*). (See section **13.1, *Publishing Notices in the Federal Register*** for guidance on publishing notices). The State NEPA coordinator and Public Affairs Chief can provide information about the appropriate documentation to include with an NOA. The date the EPA notice appears in the *Federal Register* initiates the required minimal 30-day availability period. Although this is not a formal public comment period, you may receive comments. Also note that while you may have requested comment from agencies with jurisdiction by law or special expertise, you do not need to delay preparation and issuance of the final EIS when such agencies do not comment within the prescribed timeframe ([516 DM 4.19\(A\)](#)).

9.6.1 Comments Received Following Issue of the Final EIS

Any comments received may be addressed in the ROD. However, review any comments on the final EIS, to determine if they have merit; for example, if they identify significant new circumstances or information relevant to environmental concerns and bear upon the proposed action. If so, the decision-maker preparing the EIS must determine whether to supplement the draft or the final EIS or if minor changes can be made to the existing EIS. Refer to section **9.5, *Supplements to Draft and Final EISs***, when supplementing a draft or final EIS. Check program guidance for additional review requirements. For example, there is a 60-day Governor's consistency review requirement for LUPs (*BLM Land Use Planning Handbook H-1601-01*, pages 24-25).

9.7 ISSUING THE RECORD OF DECISION

A ROD is prepared to document the selected alternative and any accompanying mitigation measures. The ROD is must be signed by the decision-maker. The ROD may be integrated with any other record prepared by the BLM ([40 CFR 1505.2](#)). Examples would be findings for floodplains required by [E.O. 11988](#) and for wetlands required by [E.O. 11990](#). No action concerning a proposal may be taken until the ROD has been issued, except under conditions specified in [40 CFR 1506.1](#) (see section **1.4, *The NEPA Approach***).

Except as described below, the ROD cannot be issued until the later of the following dates:

- 90 days after the publication of the EPA's notice of filing of the draft EIS.
- 30 days after publication of the EPA's notice of filing of the final EIS ([40 CFR 1506.10\(b\)](#)).

You must provide public notification of the availability of the ROD, and that notification must include publication of a notice of availability (NOA) in the *Federal Register* for actions with effects of national concern ([40 CFR 1506.6\(b\)](#), [Question 34a, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981](#)). You must provide a copy of the ROD to those who have requested it ([40 CFR 1506.6\(b\)](#), [Question 34a, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981](#)). We recommend that you provide a copy of the ROD to substantive commenters on the draft or final EIS and to others known to have a strong interest in the proposal(s). Generally, the funding office in Washington will specify WO or other distribution requirements. For example, a copy of the decision documents for LUPs or plan amendments must be provided to WO-210 (Planning and Science Policy). Consult program-specific guidance for additional requirements on the distribution of RODs or records which incorporate RODs.

If the decision is subject to 30-day appeal to the Interior Board of Land Appeals (IBLA), then the ROD may be issued at the same time the final EIS is filed ([40 CFR 1506.10\(b\)](#)). This allows both 30-day periods to run concurrently. If the ROD is issued at the same time the final EIS is filed, the EIS must identify and explain the appeal provisions. If the ROD is issued in full force and effect, then it cannot be issued until 30 days after publication of the EPA's notice of filing the final EIS ([40 CFR 1506.10\(b\)\(2\)](#)).

Consult program specific guidance for any additional requirements regarding protest and appeal procedures and preparation of RODs.

9.7.1 ROD Format

A suggested format which satisfies the ROD content requirements specified in [40 CFR 1505.2](#), is provided below. The Land Use Planning Handbook provides a recommended format for planning-related RODs. [There is also an example of a ROD in the Web Guide.](#)

Introductory Material. A cover sheet that provides introductory material may be prepared. This includes the title, project or case file identification number, preparing office and office location, cooperating agencies, signatures, date of signatures, and titles of the responsible and concurring officials.

Summary. A summary is needed only if the ROD exceeds 10 pages.

Decision. Include a concise description of the approved action. Identify all important aspects of details of the decision. Provide a clear description of what is and what is not being approved. Attach to the ROD stipulations and other design features that are part of the decision or incorporated by reference. Present any committed mitigation measures and related monitoring and enforcement activities, if any, for the selected alternative (see **Chapter 10, Monitoring**). Indicate whether all practicable mitigation measures have been adopted. You must identify any mitigation measures which were not selected with a brief explanation of why such measures were not adopted ([40 CFR 1505.2\(a\)](#)).

Alternatives. Identify all of the alternatives considered. When it is necessary to summarize the alternatives, thematic descriptions including major aspects may be helpful. You must identify the the environmentally preferable alternative in this section ([40 CFR 1505.2 \(b\)](#)). The environmentally preferred alternative best promotes the national environmental policy in Section 101 of the NEPA. This is ordinarily the alternative that causes the least damage to the biological and physical environment and best protects, preserves and enhances the resources that are present. (See [Question 6a, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981](#)).

Management Considerations. Provide the rationale for the decision. Discuss factors which were important and relevant to the decision ([40 CFR 1505.2 \(b\)](#)). Explain how the alternatives respond to the purpose and need for the action.

Public Involvement. Briefly describe efforts to seek public views throughout the EIS process.

9.8 Terminating the EIS Process

When you terminate the EIS process without completing a Record of Decision, complete your administrative record, documenting the reason or reasons for aborting the process. Publish a notice in the *Federal Register*, referencing the relevant Notice of Intent to prepare the EIS and stating that you are terminating the EIS short of completion. If you have already published a draft EIS, we recommend that you inform all who commented on the draft that you are ending the process and briefly explain why.

CHAPTER 10—MONITORING

General

10.1 Purposes of and Requirements for Monitoring

10.2 Developing a Monitoring Plan or Strategy

10.3 Implementing Monitoring

GENERAL

Monitoring can provide important information, including whether decisions were implemented as designed, their effectiveness in achieving desired outcomes and the effectiveness of mitigation measures. Monitoring can also determine whether the impact analysis was accurate. In certain instances, as described below, monitoring is required.

10.1 PURPOSES OF AND REQUIREMENTS FOR MONITORING

The level and intensity of monitoring varies according to the purpose being served. In developing a NEPA-related monitoring program, carefully consider the following purposes of monitoring.

To Ensure Compliance with Decisions

We recommend monitoring to ensure that actions taken comply with the terms, conditions, and mitigation measures identified in the decision. This monitoring may identify underlying reasons for non-compliance. You must provide compliance monitoring where mitigation measures are required to reach a FONSI.

To Measure the Effectiveness or Success of Decisions and the Accuracy of Analysis

While not required by the NEPA, monitoring can be implemented to determine if the decisions are achieving intended environmental objectives, and whether predicted environmental effects were accurate. This could include the validation of conceptual models and assumptions used in the analysis.

To Determine How to Modify Decisions if the Purpose and Need or Desired Outcomes Are Not Being Achieved.

If decisions are not meeting the purpose and need or achieving desired outcomes, monitoring may be used to identify necessary changes.

In a record of decision (ROD), a monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation ([40 CFR 1505.2\(c\)](#)). The ROD must identify the monitoring and enforcement programs that have been selected and plainly indicate that they were adopted as part of the agency's decision (see [Question 34c, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981](#)). The ROD must delineate the monitoring measures in sufficient detail to constitute an enforceable commitment, or incorporate by reference the portions of the EIS that do so (see [Question 34c, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981](#)).

The decision record on an EA may also impose requirements for mitigation and related monitoring and enforcement activities. Monitoring activities which are adopted in a decision record must be implemented as specified.

In situations where there is incomplete or unavailable information relevant to reasonably foreseeable significant adverse impacts essential to a reasoned choice among alternatives, and it is not feasible to obtain that information prior to making a decision, we recommend that you establish a monitoring program to assess resources or values that may be impacted in order to determine if subsequent action needs to be taken.

We recommend that you coordinate monitoring that stems from the NEPA analysis process with other BLM monitoring activities. The BLM Manual 1734 - Inventory and Monitoring Coordination, provides additional guidance on the BLM's inventory and monitoring programs.

10.2 DEVELOPING A MONITORING PLAN OR STRATEGY

Except for monitoring activities specifically addressed in the decision document, the responsible manager has discretion in scheduling monitoring activities, determining monitoring approaches or methodologies, and establishing monitoring standards. We recommend a written monitoring plan that incorporates monitoring schedules, approaches, and standards. Consider Bureau-wide and program specific monitoring policies and strategies in developing a monitoring plan (see BLM Manual 1734, Inventory and Monitoring Coordination).

We recommend that you consider the following factors when developing a monitoring plan.

Coverage – We recommend that you tailor the scope of monitoring activities to meet the intended purpose of monitoring. *For example, monitoring activities may be limited to determining if the action is implemented as planned (compliance monitoring), or they may be designed to also include determination of whether the action is meeting goals and objectives (effectiveness monitoring).*

Frequency – The establishment of specific time frames are recommended for each monitoring activity.

Intensity/Complexity – The intensity and complexity of monitoring activities will vary according to the issues at hand and with the purpose of the monitoring. *For example, compliance monitoring to determine if an action is being implemented as described in the decision document may be relatively simple. However, determining whether implementation of an action is achieving complex ecological objectives, would involve more complex monitoring techniques and analysis.*

10.3 IMPLEMENTING MONITORING

It is important that managers establish priorities for implementing monitoring activities. The following are situations or circumstances that warrant high priority for monitoring and that should be considered in determining important cases:

- A ROD adopts mitigation measures to reduce environmental impacts (monitoring required).
- Decisions authorize actions involving new or untested procedures or methods, or involve a high degree of uncertainty regarding the effects of the procedure or method.
- Effects are based on incomplete or unavailable information.
- Uncertainty exists about the interactive effects of multiple resources or uses.
- The decision may affect highly sensitive or important resource values.

Agencies may provide for monitoring to assure that their decisions are carried out and should do so in important cases ([40 CFR 1505.3](#)).

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CHAPTER 11—AGENCY REVIEW OF ENVIRONMENTAL IMPACT STATEMENTS

- 11.1 Obtaining Comments on Your EIS
- 11.2 Commenting on Another Federal Agency's EIS

11.1 OBTAINING COMMENTS ON YOUR EIS

When preparing an EIS, you must obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved ([40 CFR 1503.1\(a\)\(1\)](#)). We recommend responding to comments from these agencies, even if the comments are untimely. However, you do not need to delay the preparation and issuance of a final EIS when such agencies do not comment within the prescribed timeframe ([516 DM 4.19\(A\)](#)).

11.2 COMMENTING ON ANOTHER FEDERAL AGENCY'S EIS

When the BLM has jurisdiction by law or special expertise with respect to a project's environmental impacts, the BLM must comment on the EISs of other Federal agencies ([40 CFR 1503.2](#)). The BLM may be asked to review or provide comment on other environmental documents as well. If the BLM does not have comments on an EIS where it has jurisdiction by law or special expertise, it must reply to that effect. (Generally, if the BLM has jurisdiction by law or special expertise, the BLM will be a cooperating agency in the NEPA process. See **Chapter 12, *Cooperating Agencies, Joint Lead Agencies, and Advisory Committees.***)

The OEPC coordinates review of other agencies' EISs and assigns agency responsibilities for review. This includes setting the schedule for review and requesting extensions.

When a cooperating agency comments on a BLM document, or when the BLM is a cooperating agency, the comment must ([40 CFR 1503.3](#)):

- describe alternative methods for analyzing impacts if it criticizes methodology in the EIS.
- specify mitigation measures it finds acceptable if it criticizes the level of impact.

Guidance for reviewing and commenting on NEPA documents that are prepared by other agencies but that may affect BLM-managed resources is provided in [516 DM 7](#). This chapter of the manual describes the roles and responsibilities of the Department and agencies, how different reviews are handled, and the content and process for performing such reviews.

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CHAPTER 12—COOPERATING AGENCIES, JOINT LEAD AGENCIES, AND ADVISORY COMMITTEES

General

- 12.1 Cooperating Agency Status in Development of NEPA Documents
- 12.2 Joint Lead Agencies in Development of NEPA Documents
- 12.3 Working with Advisory Committees and the Federal Advisory Committee Act

GENERAL

This chapter discusses means for consulting with and obtaining the views of appropriate entities as part of the NEPA process.

12.1 COOPERATING AGENCY STATUS IN DEVELOPMENT OF NEPA DOCUMENTS

The CEQ regulations ([40 CFR 1501.6](#)) provide for and describe both lead and cooperating agency status, and emphasize agency cooperation early in the NEPA process. Upon request of the lead agency, any other Federal agency which has "jurisdiction by law" shall be a cooperating agency. Jurisdiction by law means the other agency has authority to approve, veto, or finance all or part of the proposal ([40 CFR 1508.15](#)). *For example, the Federal Communication Commission approves applications for BLM communication facilities and has NEPA procedures (47 CFR 1.1301 to 1.1319) for the preparation of environmental documents associated with such applications. The BLM or FCC may participate as either lead or cooperating agency in the preparation of these documents. You must contact FCC and agree on appropriate lead and cooperating agency status.*

In addition, any other Federal agency which has "special expertise" with respect to any environmental issue which will be addressed by the NEPA analysis may participate as a cooperating agency. Special expertise means "...statutory responsibility, agency mission, or related program experience" ([40 CFR 1508.26](#)). When the BLM is a lead agency, another agency may request that we designate it a cooperating or joint lead agency. Any State, tribal, or local agency with jurisdiction by law or special expertise may by agreement be a cooperating agency ([40 CFR 1508.5](#); [516 DM 2.5c](#)). Cooperating agency status is most commonly applied to preparation of an EIS, but may also be applied to an EA (DM ESM02-2).

The BLM publication "[A Desk Guide to Cooperating Agency Relationships](#)" (2005) defines the lead agency–cooperating agency relationship and explores ways to create more effective government partnerships in the preparation of NEPA documents and land use plans.

Requirements for working with cooperating agencies were added to the BLM's planning regulations in 2005 ([43 CFR 1601.0-5](#), [1610.3-1](#), and [1610.4](#)). Our Land Use Planning Handbook (H-1601-1) provides additional guidance for collaborative planning and preparation of an EIS or EA for approval, amendment, or revision of an LUP.

12.1.1 When Another Agency is Cooperating in Preparation of a NEPA Analysis Document with the BLM as a Lead

You must invite eligible governmental entities (Federal, State, local, and tribal) to participate as cooperating agencies when preparing an EIS ([516 DM 2.5\(e\)](#)). You must also consider any requests by eligible governmental entities to participate as a cooperating agency with respect to a particular EIS, and will either accept or deny such requests. If such a request is denied, the BLM will inform the other agency and state in writing, within the EIS, the reasons for such denial. Throughout the preparation of an EIS, you must collaborate, to the fullest extent practicable, with all cooperating agencies, concerning those issues relating to their jurisdiction or special expertise ([516 DM 2.5\(f\)](#)). Prepare a Memorandum of Understanding (MOU) with any cooperating agency, clearly defining the roles and responsibilities of each agency.

12.1.2 When the BLM is Cooperating in Preparation of a NEPA Analysis Document With Another Agency as Lead

Functioning as a cooperating agency in preparation of an EIS or EA provides you several advantages:

- You may adopt the EIS without recirculating it when, after an independent review of the analysis, you conclude that your comments and suggestions have been satisfied ([40 CFR 1506.3\(c\)](#)).
- You, and the lead agency, may save staff time and dollars when compared to each agency preparing its own document.
- You can ensure that the NEPA analysis document meets all Departmental and BLM requirements or standards.
- Expanding the scope of a NEPA analysis to consider connected and cumulative actions of all cooperating agencies into a single document improves overall interagency coordination.
- Agencies working cooperatively help the public to participate effectively and efficiently. The public involvement in the NEPA process takes place in the larger context of multiple agencies. Thus, the public can better understand the entire scope of a proposal, rather than being presented with a piece of it now and another piece later. The public can participate effectively with fewer meetings to attend and letters to write.
- You can ensure that the NEPA analysis specifically addresses the action that you must consider before making your decision. This avoids the struggle to adapt another agency's documentation to fit our proposed action.

12.1.3 Deciding Whether to be a Cooperating Agency

When another Federal agency intends to prepare a NEPA analysis document, and you have a related decision to make, formally ask to be a cooperating agency as early as possible. You must notify the OEPC of either the acceptance or rejection of a cooperating agency request ([516 DM 2.5\(B\)](#)).

If another agency asks you to be a cooperating agency in preparation of a NEPA document for an action in which the BLM has *jurisdiction by law*, you must be a cooperating agency (40 CFR 1501.6).

If another agency asks you to be a cooperating agency in preparation of a NEPA analysis document in which the BLM has *special expertise*, you may elect to be a cooperating agency. In deciding, consider what resources you have to commit to the document preparation.

12.1.4 Procedures for Working as a Cooperating Agency

An interagency memorandum of understanding (MOU) between the BLM and the lead agency must be prepared ([516 DM 2.5\(G\)](#)). It must identify a BLM contact and specify any special resource needs, data requirements, and issues that need to be addressed in the analysis. The MOU must also identify the responsibilities of the lead and cooperating agencies ([a sample MOU is in the Web Guide](#)).

We recommend that the BLM be identified as a cooperating agency in the notice of intent (NOI) published in the *Federal Register*, and that the BLM be identified as a cooperating agency in the NEPA analysis document, preferably on the cover sheet.

After adopting the NEPA document, the BLM must issue its own decision (and FONSI for an EA) ([Questions 30, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981](#)), [CEQ Guidance Regarding NEPA Regulations, 48 Fed. Reg. 34263 \(July 28, 1983\)](#)) (see section 5.4, *Adopting Another Agency's NEPA Analysis*). This may be done in an individual decision document or in a decision document signed by more than one agency, as long as it is clear that only the BLM decision-maker is making a decision regarding resources under BLM authority.

12.2 JOINT LEAD AGENCIES IN DEVELOPMENT OF NEPA DOCUMENTS

In order to eliminate duplication while satisfying NEPA and comparable State and local requirements, the CEQ regulations ([40 CFR 1506.2\(b\)](#)) encourage Federal agencies to be joint leads with State and local agencies. When two agencies have approximately equal pieces of a proposal being considered and want to make this situation clear to their respective partners, they may agree to be joint lead agencies.

A Memorandum of Understanding (MOU) must be signed by both agencies, clearly defining the roles and responsibilities of each ([516 DM 2.5\(G\)](#)). Only one agency must be identified as the agency responsible for filing the EIS with the EPA.

We recommend that the agencies be identified as joint lead agencies in the NOI and in the NEPA documents. We recommend that the cover sheet clearly identify the joint leads, and the logos of both agencies be displayed on the cover of the NEPA documents.

We recommend that an EIS preparation plan be developed and signed by both agencies, and identify such things as: the decisions to be made by each agency, the make up of the core team and ID team and their responsibilities, estimated budget and financial obligations of each agency, review responsibilities, and tentative schedules.

You must issue your own ROD for an EIS, and your own FONSI and decision record for an EA. ([Questions 30, CEQ, *Forty Most Asked Questions Concerning CEQ's NEPA Regulations*, March 23, 1981](#)), [CEQ Guidance Regarding NEPA Regulations, 48 Fed. Reg. 34263 \(July 28, 1983\)](#)) This applies to any Federal lead or cooperating agency, and all other cooperating agency procedures apply as well. This may be done in an individual decision document or in a decision document signed by more than one agency, as long as it is clear that only the BLM decision-maker is making a decision regarding resources under BLM authority.

12.3 WORKING WITH ADVISORY COMMITTEES AND THE FEDERAL ADVISORY COMMITTEE ACT

The [Federal Advisory Committee Act](#) (FACA) was enacted to reduce narrow special-interest group influence on decision-makers, to foster equal access to the decision-making process for the general public, and to control costs by preventing the establishment of unnecessary advisory committees. The FACA applies whenever a statute or an agency official establishes or uses a committee, board, commission or similar group for the purpose of obtaining advice or recommendations on issues or policies within the agency official's responsibility.

See [H-1601-1, Appendix B](#) for determining when the FACA applies, FACA requirements, and avoiding violations of the FACA. More in-depth information can also be found in the BLM FACA Guidebook, available from the BLM ADR (Alternative Dispute Resolution) and Conflict Prevention Program, in hard copy and online at www.blm.gov/adr.

12.3.1 Guidance for Meeting With Groups

If participants with the BLM in a collaborative group are solely Federal, State, tribal, or local government employees operating in their official capacities, the group is exempt from the administrative requirements of the FACA.

If participants include nongovernmental members and they will meet regularly or formally, there are a number of circumstances that will require a FACA charter.

The BLM’s managers and staff must understand the provisions of the FACA both when they are gathering public input for decision-making processes and when they are working in collaborative efforts. In essence, any time a group will be consulted or will be providing recommendations to a BLM official, the BLM should verify whether the FACA applies and, if so, ensure that the FACA requirements are followed.

- The BLM establishes, manages, or controls the group. A FACA charter is usually necessary if the BLM will be making decisions on or otherwise controlling group membership, sending out meeting invitations, or hosting the meeting.
- The BLM also manages or controls the group’s agenda, takes a leadership role in the group, and facilitates the meetings. Funding the group or holding a disproportionate number of the group’s meetings on BLM property may also be seen as indicators of management or control.
- A FACA charter may be necessary if the BLM is seeking group advice or specific group recommendations to the agency from a nongovernmental group.

If the BLM wishes to have a central role in the formation and agenda of the group, consider pursuing a charter for a FACA committee. Refer to the Office of the Solicitor for additional information.

To avoid the need for a FACA charter, publicize the meetings of the group, and open group membership to all.

Meetings of collaborative community working groups should adhere to general open government criteria. For example: *invite the public to meetings; publish timely notice in local forums; accept public comments; and keep records of group meeting minutes, attendance, and other documents used by the group.* Even when meetings with other governmental agencies are exempt from the FACA, BLM employees should be aware of State “open meetings” laws or similar County ordinances. For example, *an LUP strategy session attended by BLM representatives and a quorum of County Commissioners may need to be open to the public.*

12.3.2 Alternatives to Chartered Groups

- The BLM can establish a working group with solely governmental entities—other Federal, State, tribal, and local government employees working in their official capacities.
- One of the non-Federal entities involved can take the lead in organizing and setting up the group. The FACA only applies to Federal agencies, so if a tribal, State, county, or local agency or public interest group is willing to put the collaborative group together, control membership, and set up meetings, the BLM can participate without violating the FACA.
- In some situations, the BLM can form a working group as a subcommittee of a preexisting Resource Advisory Committee (RAC) or other FACA-chartered advisory committee. Make sure the working group always reports to the RAC or chartered committee and not directly to the BLM.
- Sometimes group advice is not the desired outcome— the BLM only needs input from a variety of public stakeholders. Or sometimes the BLM needs to educate the community about its programs and decisions. Here, the best approach may be to hold town hall-style meetings with open public participation. Such meetings will not violate the FACA as long as the BLM is not seeking group advice, but rather is sharing information or seeking a range of advice from individuals.

CHAPTER 13—ADMINISTRATIVE PROCEDURES

General

- 13.1 Publishing Notices in the *Federal Register*
- 13.2 Printing EISs
- 13.3 Filing EISs With The EPA
- 13.4 Recordkeeping Procedures
- 13.5 Contracting NEPA Work

GENERAL

There are a number of administrative requirements associated with NEPA analysis. This chapter discusses how to publish the required *Federal Register* notices, print EISs, prepare the administrative record, and store environmental records. Additionally, this chapter provides guidance on using contractors to assist with NEPA analysis or documentation.

13.1 PUBLISHING NOTICES IN THE *FEDERAL REGISTER*

You must publish various notices in the *Federal Register* during the course of the NEPA process:

- a notice of intent (NOI) to prepare an EIS in the *Federal Register* ([40 CFR 1501.7](#)).
- a notice of availability (NOA) for draft, final, and supplemental EISs for land use plans and land use plan amendments, and for actions with effects of national concern (*BLM Land Use Planning Handbook H-1601-1*, [40 CFR 1506.6\(b\)\(2\)](#)). You must file EISs with the Environmental Protection Agency (EPA), who publishes its own *Federal Register* notice (see section **9.3.1, *File with the EPA***).
- an NOA for RODs for actions with effects of national concern ([40 CFR 1506.6\(b\)\(2\)](#)).
- notices announcing NEPA-related hearings, public meetings, or the availability of EAs and FONSIIs on issues of national concern ([40 CFR 1506.6\(b\)\(2\)](#)).

Offices should follow the most current guidance on review and submission of *Federal Register* notices.

13.1.1 Procedures for Publishing Notices in the *Federal Register*

The Office of the Federal Register (OFR) has established procedures and formats to be used when preparing a notice for publication. Individuals should consult the latest version of the *Document Drafting Handbook* prepared by the OFR for detailed guidance on the preparation of notices for publication in the *Federal Register*. The handbook can be found online at: <http://www.archives.gov/federal-register/write/handbook/>.

13.1.1.1 Publication Requirements

A *Federal Register* notice should include the following items:

1. The billing code. The billing code is assigned by the Government Printing Office and can be obtained from the BLM's printing officer. It must appear on each document submitted for publication.
2. Headings. Each notice should begin with headings that identify the BLM and the subject matter of the notice. Headings for a notice should be in this format:
 - Department Name (DEPARTMENT OF THE INTERIOR).
 - Subagency Name (Bureau of Land Management).
 - Agency Docket Number (optional).
 - Subject Heading.
3. Authority citations. You must cite the authority that authorizes you to issue your notice; you are encouraged to use the shortest form possible. This may appear in narrative form within the text or in parentheses on a separate line following the text.
4. Text. The text of the notice may be organized in any logical format, but the OFR recommends the preamble format, shown below:
 - AGENCY:
 - ACTION:
 - SUMMARY:
 - DATES:
 - ADDRESSES:
 - FOR FURTHER INFORMATION:
 - SUPPLEMENTARY INFORMATION:
5. Signature. Notices must be signed by an authorized official. There must be three copies, each with original signatures, preferably in blue ink (this helps OFR determine that the signatures are original and not photocopies). The signature block should not be on a page by itself.

See the illustrations provided by the *Federal Register* in **Appendix 11, *Federal Register Illustrations***.

13.1.1.2 Typing and Format Requirements

(Refer to **Appendix 11, *Federal Register Illustrations***)

- Documents must be prepared on 8 ½" × 11" bond paper or photocopy.
- Documents must be typed on one side of the paper and double-spaced. Any quoted material, footnotes, and notes to tables may be single-spaced.
- Documents must have one-inch margins on the top, bottom, and right side of the page. On the left side, the margin will be one and one-half inches wide.

All headings must be typed flush with the left margin. Section headings must be typed out in full on a line separate from the text and underlined. Pages of the document must be numbered consecutively, starting with the second page.

The following items must be typed in all capital letters (see illustrations):

- (a) FEDERAL REGISTER
 - (b) Name of Agency (but not the name of the subagency. i.e., DEPARTMENT OF THE INTERIOR, Bureau of Land Management)
 - (c) Preamble captions
- The use of abbreviations, symbols, and style must be in accordance with guidance in the *Document Drafting Handbook* prepared by the OFR.
 - All signatures must be original and appear on a page with text. The name and title of the individual who signs the notice must be typed directly below the signature line. No second-party signatures will be accepted.

13.1.1.3 Submission Requirements

- The *Federal Register* notice may or may not need to be submitted and reviewed by the Washington Office or the Department. Review current policy before submitting the notices to the OFR, to ensure compliance with requirements.
- The notice must be submitted in triplicate to the OFR. Duplicate originals are recommended (each original is signed in ink, preferably blue, by the issuing official). It is permissible to submit one original and two copies (each with an original signature), or it is also acceptable to submit one original and two certified copies. Certified copies must include the name and title of the issuing official typed or stamped on the copy, a statement that reads “Certified to be a true copy of the original document,” and the signature of the certifying official.
- [See the Web Guide for the current mailing addresses of the OFR.](#)

13.1.1.4 Publication Date

Notices are published in the *Federal Register* on the third business day after they are received by the OFR (for example, if the notice is received and accepted on a Monday, the notice will be published on Thursday).

13.2 PRINTING EISs

Prepare all EISs for printing in accordance with the BLM Manual Section 1551. Work closely with your external affairs staff and your state printing specialist when preparing to print an EIS.

Send two hard copies of the final EIS and the ROD to the BLM Library at the National Science and Technology Center in Denver.

13.3 FILING EISs WITH THE EPA

You must file all draft, final, and supplemental EISs with the EPA ([40 CFR 1506.9](#)). The *Federal Register* publishes a notice prepared by the EPA every Friday. The notice lists all draft, final, and supplemental EISs received and filed with the EPA during the previous week.

Whereas the EPA only publishes notices for EISs on Fridays, the *Federal Register* publishes daily. The BLM strives to publish the BLM notice for an EIS on the same Friday as the EPA notice publishes. The BLM notice should not be published before the EPA notice. For further discussion on publishing notices in the *Federal Register*, see section **13.1, *Publishing Notices in the Federal Register***.

The filing procedures for delegated EISs are slightly different from the filing procedures for nondelegated EISs, as discussed in section **13.3.2, *Procedures for Filing with the EPA***.

- A delegated EIS is one for which the decision authority on the proposed action rests by delegation with a single Assistant Secretary or subordinate officer.
- A nondelegated EIS is one for which the decision authority on the proposed action requires the approval of more than one Assistant Secretary (or bureaus under more than one Assistant Secretary), OR is an EIS reserved or elevated to the Secretary (or Office of the Secretary) by expressed interest of the Secretary, Deputy Secretary, the Chief of Staff, the Solicitor, or the Assistant Secretary for Policy, Management, and Budget, OR is of a highly controversial nature or one in which the Secretary has taken a prominent public position in a highly controversial issue, OR faces a high probability of judicial challenge to the Secretary.

[The Web Guide contains a general schedule for the filing and publishing of *Federal Register* notices.](#)

13.3.1 Significance of EPA Publication Dates

The date that the EPA notice appears in the *Federal Register* also serves as the official date for announcing the availability of a draft, final, or supplemental EIS, and starting the required comment and protest periods.

- For draft EISs, this starts the public review period.
- For final EISs, this notice initiates the 30-day period during which implementation cannot occur (see section **9.3.1, *File with the EPA***).
- For land use planning actions, the EPA notice starts the 30-day protest period ([40 CFR 1506.10](#)).

13.3.2 Procedures for Filing with the EPA

The following procedures will ensure timely publication of the EPA notice for both delegated and nondelegated EISs. For a nondelegated EIS, however, the OEPC approves and files the EIS with the EPA. When you are working on a nondelegated EIS, consult with the OEPC early regarding the schedule and preparation of the EIS.

1. Prepare a transmittal letter to the EPA. For a draft EIS, indicate the length of the public review period. The BLM may request a specific date for the EIS to be listed in the EPA's *Federal Register* notice (Friday publication dates only). (For nondelegated EISs, the transmittal letter is signed by the OEPC. Before the EIS is sent to the EPA, it must be approved and cleared to print by the OEPC).
2. Mail or deliver to the EPA the transmittal letter and five copies of the EIS (draft, final, or supplemental) with a complete distribution list of individuals and organizations to whom the EIS is being distributed. (Arrangements may be made with the EPA and the printer for direct distribution of the EIS to the EPA to save time).

The distribution list does not need to include addresses, and may be either printed in the EIS or inserted in the EIS. [Send the letter, EISs, and distribution lists to the current addresses listed in the Web Guide.](#)

The EPA maintains a Web site with [information and addresses associated with submitting EISs](#), see the Web Guide for this information.

3. Ensure that the transmittal letter and required attachments are sent to the EPA in sufficient time to guarantee that *Federal Register* publication occurs on the intended date and that public review requirements are satisfied (section **9.3.2, *Notify the Public and Government Agencies of the Availability of the Draft EIS for Review and Comment***). The documents must be received by the EPA at least five business days before the date the notice will appear in the *Federal Register*. Documents must also be received in the Office of Federal Activities before 2:30 pm to be logged as received for that business day. (The Office of Federal Activities coordinates the EPA's review of all Federal EISs).

4. Concurrent with the transmittal to the EPA, provide a copy of the transmittal letter, including the distribution list, and three copies of the EIS to the Office of Environmental Policy and Compliance (OEPC), 1849 C Street NW (2342-MIB), Washington, DC 20240. Contact the OEPC at 202-208-3891 to obtain the Environmental Statement control number. Immediately provide the Environmental Statement control number to the EPA. The EPA will not prepare a notice to publish in the *Federal Register* without the Environmental Statement control number.
5. Before or on the same day copies are transmitted to the EPA, distribute copies of the EIS to individuals or organizations included on the distribution list. If the printer is mailing the EISs, arrange the shipping dates with the printer.

13.4 RECORDKEEPING PROCEDURES

13.4.1 Environmental Documents and Supporting Records—The Administrative Record

The administrative record is the paper trail that documents the BLM's decision-making process and the basis for the BLM's decision. The administrative record establishes that you complied with relevant statutory, regulatory, and agency requirements, demonstrating that you followed a reasoned decision-making process. It is imperative that the BLM maintain complete and well-organized files (indexed or searchable) of environmental documents and supporting records in its administrative record. Such documents and records may be either hard copy or electronic. Begin compiling and organizing the administrative record as early in the NEPA process as possible. Official file copies of BLM environmental documents and supporting records must be maintained by the originating office. Environmental documents include:

- environmental assessments (EAs)
- findings of no significant impact (FONSI)s)
- environmental impact statements (EISs)
- notices of intent (NOIs)
- Records of decision (RODs)
-

[\(40 CFR 1508.10, Question 34a, CEQ, *Forty Most Asked Questions Concerning CEQ's NEPA Regulations*, March 23, 1981\).](#)

Supporting records consist of material generated or used in the preparation of environmental documents. As a guiding principle, these records must demonstrate both the process and information used to reach the final decision. Such records include, but are not limited to:

- mailing lists
- summaries of public meetings (including attendance lists)
- records pertaining to consultations
- documents or studies incorporated by reference
- technical reports prepared by staff
- materials submitted by applicants
- records of contractual work related to the project
- cost recovery forms and records

A more complete list of potential supporting records can be found in **Appendix 10, *Items to Include in the Administrative Record***. [The Web Guide includes a PowerPoint presentation on developing an administrative record.](#)

Not all information in the administrative record is necessarily available to the public; information that is confidential must be marked as such.

We recommend you keep administrative records as long as you plan to rely upon that NEPA analysis. The originating offices are to retain the official file copies of the NEPA document and its supporting record. These documents are not to be stored indeterminately; the documents may be destroyed when superseded, obsolete, or no longer needed for administrative or reference purposes (BLM Manual 1220, Appendix 2). At least one copy of draft, final, and supplemental EISs and RODs must be available in the lead State Office or Washington program office, as appropriate.

The lead State Office (or Washington program office, for programmatic or legislative environmental analyses) must determine where and for how long copies of environmental documents and documents incorporated by reference must be maintained. In accordance with the National Archives Records Administration, the BLM follows a General Records Schedule for management of its records, including NEPA records. This schedule is found in the [BLM Manual 1220, Records and Information Management, Appendix 2—GRS/BLM Combined Records Schedules](#), which is available in the Web Guide.

In some instances, program-specific guidance identifies distribution and availability requirements. For example, grazing operator case files are permanent records, and have their own schedule for storage in the field before being moved to the Federal Records Center, and on to the National Archives Records Administration. The BLM records that may contain Indian fiduciary trust records are to be treated as permanent records, and you must coordinate these through BLM records administrators.

13.4.2 Other Environmental Records

Your office may have environmental records that do not fall under the scope of environmental documents as defined above (for example, categorical exclusion review records, or reviews done to determine adequacy of an existing NEPA document). The originating office must also keep these environmental records in an official file, as discussed in section **13.4.1, *Environmental Documents and Supporting Records—The Administrative Record***.

For records relating to the review of other agency environmental documents, the BLM office that actually assembles comments and prepares the response should maintain official files. Thus, when the BLM is assigned as a lead agency for the Department in responding to other Federal agency's EISs, the State Office or Washington program office assigned to prepare the response maintains the official files (including all support material) for both the BLM and the Department. The cutoff for these files is the end of the fiscal year in which the review was completed. The documents may be destroyed two years after this cutoff date, as long as they are not needed for any purposes (BLM Manual 1220, Appendix 2).

13.5 CONTRACTING NEPA WORK

Contracting may be used for the preparation of a NEPA document or for certain portions of the analyses. Contracting an environmental document does not eliminate the BLM's active role in the NEPA process; you must still put forth substantial efforts to develop the contract, meet frequently with the contractor, review all products, and develop necessary partnerships with counties, the state, Tribes, other Federal agencies, and other BLM offices. The contractor-developed work becomes your work: you are responsible for all content within NEPA document and the supporting materials, which must be included in the administrative record. Additionally, decisions and findings are those of the BLM, not of the contractor, and these must reflect a review of underlying NEPA document. As such, we recommend that you prepare the findings and decision records, not the contractor.

The CEQ provides guidance for contracting EAs and EISs at [40 CFR 1506.5\(b\) and \(c\)](#). The BLM may permit an applicant to prepare the EA. An applicant may also pay a contractor to prepare an EA (this is called third-party contracting). When an applicant or contractor prepares an EA, the BLM must independently evaluate the information submitted and its accuracy, and the environmental issues. Though the applicant or contractor prepares the EA, the BLM is responsible for the scope and content of the EA.

The CEQ provides more specific guidance for contracting an EIS. The BLM remains responsible for all of the content within the EIS. Additionally, the BLM or a cooperating agency (ies) must select the cooperator, and a conflict of interest disclaimer must be included in the EIS. The CEQ speaks directly to this requirement at [40 CFR 1506.5\(c\)](#):

It is the intent of these regulations that the contractor be chosen solely by the lead agency, or by the lead agency in cooperation with cooperating agencies, or where appropriate by a cooperating agency to avoid any conflict of interest. Contractors shall execute a disclosure statement prepared by the lead agency, or where appropriate the cooperating agency, specifying that they have no financial or other interest in the outcome of the project. If the document is prepared by contract, the responsible Federal official shall furnish guidance and participate in the preparation and shall independently evaluate the statement prior to its approval and take responsibility for its scope and contents. Nothing in this section is intended to prohibit any agency from requesting any person to submit information to it or to prohibit any person from submitting information to any agency.

While the CEQ only requires this disclaimer for EISs, we recommend including such statements in your contractor-prepared EAs as well. Additionally, when using third-party contracting, we recommend an MOU between the BLM and the applicant. This MOU must:

- establish the roles and responsibilities of each party; and
- specify that all costs of using a contractor in the preparation of the NEPA document will be borne by the applicant.

There are two principle approaches for contracting environmental documents: standard federal contracting procedures (competitive procurement), and third party contracting. Procurement of contracts is subject to the Federal Acquisition Regulation ([48 CFR 1.6](#)). Third party contracting may be used most effectively for non-Bureau energy initiatives (for example, power plants and certain rights-of-way). The key element in both approaches is the BLM control of analytical standards used, of the products produced, and of the schedule. Work with your procurement personnel early in the process when considering contracting. [See the NEPA Web guide for more information and suggestions on contracting.](#)

The BLM Washington Office or your State Office may establish policy related to contracting NEPA work. We recommend working with your State NEPA coordinators to ensure that any applicable guidance is used in this process.

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CHAPTER 14—ADAPTIVE MANAGEMENT

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Glossary

affect—to bring about a change. As a verb, affect is most commonly used in the sense "to influence" or "impact." The adjective "affected" means acted upon or influenced.

alternatives—other options to the proposed action by which the BLM can meet its purpose and need. The BLM is directed by the NEPA to “study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources....” (NEPA Sec 102(2)E)

alternative arrangements—where emergency circumstances make it necessary to take an action with significant environmental impact, the Federal agency taking the action may consult with Council on Environmental Quality about alternative arrangements to observing the provisions of their regulations to implement the NEPA. Such arrangements must be limited to actions necessary to control the immediate impacts of the emergency. Other actions remain subject to NEPA review (40 CFR 1506.11).

appeal—an opportunity, provided by the Secretary of the Interior, for a qualified person to obtain a formal review, by an independent board, of the procedures and authority followed by an Interior agency in making a decision.

at-risk community—In summary, a group of homes or structures for which a significant threat to human life or property exists as a result of a wildland fire. When using the NEPA provisions of the Healthy Forests Restoration Act, the definition of “at-risk community” in the Act must be used. See Title 1, Healthy Forests Restoration Act of 2003 (P.L. 108-148), or The Healthy Forests Initiative and Healthy Forests Restoration Act Interim Field Guide, February 2004 (available online at www.healthyforests.gov).

categorical exclusion—a category of actions (identified in agency guidance) that do not individually or cumulatively have a significant effect on the human environment, and for which neither an environmental assessment nor an EIS is required (40 CFR 1508.4).

community wildfire protection plan—In summary, a collaborative plan developed by State and local governments and communities, in conjunction with adjacent Federal land-management agencies, which identifies areas and priorities for hazardous fuels reduction treatments on Federal and non-Federal lands. When using the NEPA provisions of the Healthy Forests Restoration Act, the definition of “community wildfire protection plan” in the act must be used. See Title 1, Healthy Forests Restoration Act of 2003 (P.L. 108-148), or The Healthy Forests Initiative and Healthy Forests Restoration Act Interim Field Guide, February 2004 (available online at www.healthyforests.gov).

conformance—means that a proposed action shall be specifically provided for in a land use plan or, if not specifically mentioned, shall be clearly consistent with the terms, conditions, and decisions of the approved plan or amendment. The BLM policy requires that a statement of land use plan conformance be included in a NEPA compliance document.

connected action—those actions that are “closely related” and “should be discussed” in the same NEPA document (40 CFR 1508.25 (a)(1)). Actions are connected if they automatically trigger other actions that may require an EIS; cannot or will not proceed unless other actions are taken previously or simultaneously; or if the actions are interdependent parts of a larger action and depend upon the larger action for their justification (40 CFR 1508.25 (a)(1)). Connected actions are limited to actions that are currently proposed (ripe for decision). Actions that are not yet proposed are not connected actions, but may need to be analyzed in cumulative effects analysis if they are reasonably foreseeable.

cooperating agency—assists the lead Federal agency in developing an EA or an EIS. A cooperating agency may be any agency that has special jurisdiction by law or special expertise for proposals covered by the NEPA (40 CFR 1501.6). Any Federal, State, tribal, or local government jurisdiction with such qualifications may become a cooperating agency by agreement with the lead agency.

cumulative action—proposed actions, which, when viewed with the proposed action, potentially have cumulatively significant impacts related to one or more identified issues. Cumulative actions “should be discussed” in the same NEPA document (40 CFR 1508.25(a)(2)).

cumulative effect—“...the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions” (40 CFR 1508.7 and 1508.25).

decision-maker—the BLM official who has been delegated authority to approve an action and is responsible for issuing a decision to implement a proposed action. Synonyms include authorized official, authorized officer, responsible official, and responsible manager.

decision record (DR)—the BLM document associated with an EA that describes the action to be taken when the analysis supports a finding of no significant impact.

delegated EIS—an EIS for which the decision authority for the proposed action rests by delegation with a single Assistant Secretary or a subordinate officer.

departmental policy—a policy established by the U.S. Department of the Interior

design features—measures or procedures incorporated into the proposed action or an alternative, including measures or procedures which could reduce or avoid adverse impacts. Because these features are built into the proposed action or an alternative, design features are not considered mitigation.

Determination of NEPA Adequacy (DNA)—an interim step in the BLM’s internal analysis process that concludes that a proposed action is adequately analyzed in an existing NEPA document (an EIS or EA). Where applicable, the determination also addresses conformance with an approved land use plan.

direct effect—“. . . those effects which are caused by the action and occur at the same time and place” (40 CFR 1508.8(a)).

effect—impact to the human environment brought about by an agent of change, or action. Effects analysis predicts the degree to which the environment will be affected by an action. The CEQ uses both the terms “effect” and “impact” in the NEPA regulations; these terms are synonymous in the NEPA context. As a noun, other synonyms include consequence, result and outcome. Effects can be both beneficial and detrimental, and may be direct, indirect, or cumulative.

emergency action—immediate steps or response taken by the BLM to prevent or reduce risk to public health or safety or important resources.

externally generated proposal—a proposal that has been developed by an individual or group external to the BLM.

extraordinary circumstances—those circumstances for which the Department has determined that further environmental analysis is required for an action, and therefore an EA or EIS must be prepared.

Federal action—a BLM proposal is a Federal action when: (1) the proposal is at a stage in development where we have a goal and are actively preparing to make a decision on one or more alternative means of accomplishing that goal (40 CFR 1508.23); (2) the proposed action and effects are subject to BLM control and responsibility (40 CFR 1508.18); (3) the action has effects that can be meaningfully evaluated (40 CFR 1508.23); and (4) effects of the proposed action are related to the natural and physical environment, and the relationship of people with that environment (40 CFR 1508.8; 40 CFR 1508.14).

Federal Register—the official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents. The *Federal Register* is published by the Office of the Federal Register, National Archives and Records Administration (NARA).

Finding of No Significant Impact (FONSI)—a finding that explains that an action will not have a significant effect on the environment and, therefore, an EIS will not be required (40 CFR 1508.13).

hard look—a reasoned analysis containing quantitative or detailed qualitative information.

human environment—includes the natural and physical environment and the relationship of people with that environment. When economic or social effects and natural or physical environmental effects are interrelated, then the analysis must discuss all of these effects on the human environment (40 CFR 1508.14).

implementation action—an action that implements land use plan decisions.

incorporation by reference—citation and summarization in a NEPA document of material from another reasonably available document that covers similar actions, issues, effects, or resources.

indirect effect—effects that “...are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on water and air and other natural systems, including ecosystems” (40 CFR 1508.8(b)).

internally generated proposal—a proposal developed by the BLM.

impact—see “effect”

issue—a point or matter of discussion, debate, or dispute about the potential environmental effects or impacts, of an action. Issues point to environmental effects and may drive the development of alternatives to the proposed action.

jurisdiction by law—means another governmental entity (Federal, State, tribal, or local agency) has authority to approve, veto, or finance all or part of a proposal (40 CFR 1508.15). The CEQ guidance provides for establishing a cooperating agency relationship with such entities in development of a NEPA analysis document.

land use plan—a set of decisions that establish management direction for land within an administrative area, as prescribed under the planning provisions of the Federal Land Policy and Management Act; an assimilation of land-use-plan level decisions developed through the planning process outlined in 43 CFR part 1600, regardless of the scale at which the decisions were developed. The term includes both Resource Management Plans and Management Framework Plans (H-1601-1, Glossary, page 4).

legislation—includes a bill or legislative proposal to Congress developed by or with the significant cooperation and support of a Federal agency, but does not include requests for appropriations (40 CFR 1508.17).

Legislative EIS—an environmental impact statement prepared on proposals made by Federal agencies for legislation that significantly affects the quality of the human environment. The term “legislation” in this context does not include proposed legislation initiated *by* Congress or Federal agency requests *to* Congress for appropriations. Rather, it includes any bill or legislative proposal submitted *to* Congress that is developed by or has the significant cooperation and support of a Federal agency (i.e., the Federal agency is the primary proponent of the legislation). Special rules apply to the preparation and review of legislative EISs. (40 CFR 1506.8)

may—you are free to decide whether or not to follow the guidance described.

Mitigated FONSI—a finding that explains that an action will not have significant effects because of the adoption of mitigation measures and, therefore, an EIS would not be required.

mitigation—measures or procedures which could reduce or avoid adverse impacts and have not been incorporated into the proposed action or an alternative. Mitigation can be applied to reduce or avoid adverse effects to biological, physical, or socioeconomic resources.

must—you are required to follow the guidance described.

nondelegated EIS—an EIS for which the decision authority on the proposed action requires the approval of more than one Assistant Secretary (or bureaus under more than one Assistant Secretary); OR an EIS reserved or elevated to the Secretary (or Office of the Secretary) by expressed interest of the Secretary, Deputy Secretary, the Chief of Staff, the Solicitor, or the Assistant Secretary for Policy, Management, and Budget; OR an EIS of a highly controversial nature or one in which the Secretary has taken a prominent public position in a highly controversial issue; OR an EIS that faces a high probability of judicial challenge to the Secretary.

notice of availability (NOA)—the *Federal Register* notice that an EIS (draft or final) or record of decision is available. Publication of a notice of filing of an EIS by the Environmental Protection Agency formally begins the public comment period. A NOA may also be published for an EA.

notice of intent (NOI)—this *Federal Register* notice announces that an environmental impact statement or an EA-level land use plan amendment will be prepared. Publication of this notice formally starts the scoping process.

preferred alternative—the alternative the BLM believes would reasonably accomplish the purpose and need for the proposed action while fulfilling its statutory mission and responsibilities, giving consideration to economic, environmental, technical and other factors. This alternative may or may not be the same as the BLM's or the proponent's proposed action.

proposal—the stage in the development of an action when a Federal agency has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal, and the effects can be meaningfully evaluated (40 CFR 1508.23). When the BLM receives or makes a proposal, the NEPA process begins.

proposed action—a proposal for the BLM to authorize, recommend, or implement an action to address a clear purpose and need. A proposal may be generated internally or externally.

protest—an opportunity for a qualified party to seek an administrative review of a proposed decision in accordance with program-specific regulations. For example, a protest may be filed with the Director of the BLM for review of a proposed resource management plan or plan amendment (43 CFR 1610.5-2), or a proposed grazing decision may be protested for review by the authorized officer (43 CFR 4160.2).

reasonably foreseeable action—actions for which there are existing decisions, funding, formal proposals, or which are highly probable, based on known opportunities or trends.

reasoned choice – a choice based on a hard look at how the proposed action or alternatives respond to the purpose and need.

recommend— unless you have a good rationale for not doing so, you must follow the guidance described.

record of decision (ROD)—the decision document associated with an EIS (40 CFR 1505.2).

regulation—an official rule. Within the Federal government, certain administrative agencies (such as the BLM) have a narrow authority to control conduct within their areas of responsibility. A rule (also called a regulation or rulemaking) is a statement you publish in the Federal Register to implement or interpret law or policy (see Administrative Procedure Act, 5 U.S.C. 551(4) (“rule’ means the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency...”). A rule is generally published as a proposed rule and then as a final rule. Once a rule is published in final, it is codified in the Code of Federal Regulations and remains in effect until it is modified by publication of another rule. (318 DM 1).

residual effects—those effects remaining after mitigation has been applied to the proposed action or an alternative.

resource management plan—(also known as Land Use Plan or Management Framework Plan). A set of decisions that establish management direction for land within an administrative area, as prescribed under the planning provisions of the Federal Land Policy and Management Act of 1976, as amended, P.L. 94-579, 90 Stat. 2743; an assimilation of land use plan-level decisions developed through the planning process outlined in 43 CFR 1600, regardless of the scale at which the decisions were developed.

ripe for decision—the circumstance existing when a contemplated action has reached the time when the facts have developed sufficiently to permit an intelligent and useful decision to be made. A Federal action is “ripe for decision” as soon as the agency receives or makes a proposal (40 CFR 1502.5).

scope—the extent of the analysis in a NEPA document.

scoping (internal and external)—the process by which the BLM solicits internal and external input on the issues and effects that will be addressed, as well as the degree to which those issues and effects will be analyzed in the NEPA document. Scoping is one form of public involvement in the NEPA process. Scoping occurs early in the NEPA process and generally extends through the development of alternatives (the public comment periods for EIS review are not scoping). Internal scoping is simply the use of BLM staff to decide what needs to be analyzed in a NEPA document. External scoping, also known as formal scoping, involves notification and opportunities for feedback from other agencies, organizations and the public.

significance—see “significant impact.”

significant impact—effects of sufficient context and intensity that an environmental impact statement is required. The CEQ regulations at 40 CFR 1508.27(b) include ten considerations for evaluating intensity.

similar action—BLM actions which, when viewed with other reasonably foreseeable or proposed Federal actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography. When it stands to improve the quality of analysis and efficiency of the NEPA process, similar actions may be analyzed in a single NEPA document. (40 CFR 1508.25)

special expertise—means another governmental (Federal, State, tribal, or local) agency who has statutory responsibility, agency mission, or related program experience (40 CFR 1508.26). The CEQ guidance provides for establishing a cooperating agency relationship with such entities in development of a NEPA analysis document.

substantive comment—a comment that does one or more of the following: questions, with reasonable basis, the accuracy of information in the EIS or EA; questions, with reasonable basis or facts, the adequacy of, methodology for, or assumptions used for the environmental analysis; presents reasonable alternatives other than those presented in the EIS or EA; or prompts the BLM to consider changes or revisions in one or more of the alternatives.

supplementation— the process of updating or modifying a draft or final EIS if, after circulation of a draft or final EIS but prior to implementation of the Federal action:

- you make substantial changes to the proposed action that are relevant to environmental concerns (40 CFR 1502.9(c)(1)(i));
- you add a new alternative that is outside the spectrum of alternatives already analyzed (see Question 29b, CEQ, *Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981*); or
- there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its effects (40 CFR 1502.9(c)(1)(ii)).

third-party contracting—contracting for the preparation of NEPA documents that is funded by the non-BLM proponent of an action. The BLM must still approve this analysis.

tiering—using the coverage of general matters in broader NEPA documents in subsequent, narrower NEPA documents, allowing the tiered NEPA document to narrow the range of alternatives and concentrate solely on the issues not already addressed.

we—as used in this Handbook, refers to the BLM.

wildland–urban interface—In summary, the area where structures and other human development meet or intermingle with undeveloped wildland. When using the NEPA provisions of the Healthy Forests Restoration Act, the definition of “wildland urban interface” in the Act must be used. See Title 1, Healthy Forests Restoration Act of 2003 (P.L. 108-148), or The Healthy Forests Initiative and Healthy Forests Restoration Act Interim Field Guide, February 2004 (available online at www.healthyforests.gov).

you—when used in the Handbook, refers to BLM staff and contractors responsible for NEPA compliance.

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Acronyms

APD—application for permit to drill
BLM—U.S. Department of the Interior, Bureau of Land Management
BMP—best management practices
CEQ—Council on Environmental Quality
CFR—Code of Federal Regulations
CX—categorical exclusion
DM—Departmental Manual
DNA—Determination of NEPA Adequacy
DR—decision record (for an EA)
EA—environmental assessment
EIS—environmental impact statement
E.O.—executive order
EPA—Environmental Protection Agency
ESA—Endangered Species Act of 1973, as amended
ESM—Environmental Statement Memoranda
FACA—Federal Advisory Committee Act
FONSI—finding of no significant impact
GIS—geographic information system
HFRA—Healthy Forests Restoration Act of 2003
IBLA—Interior Board of Land Appeals
IM—Instruction Memorandums [or memoranda]
MOU—memorandum of understanding
NEPA—National Environmental Policy Act of 1969, as amended
NOA—notice of availability
NOI—notice of intent
OEPC—U.S. Department of the Interior, Office of Environmental Policy and Compliance
P.L.—public law
RAC—Resource Advisory Committee
RFD—reasonably foreseeable development
RMP—resource management plan
ROD—record of decision (for an EIS)
WO—BLM Washington Office

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APPENDIX 1

Supplemental Authorities To Be Considered

The NEPA is only one of many authorities that contain procedural requirements that pertain to treatment of elements of the environment when the BLM is considering a Federal action. The following list includes some of the other authorities that may apply to BLM actions.

| Element | Authority | Manual Section |
|------------------------------------|---|----------------|
| Air Quality | The Clean Air Act as amended (42 USC 7401 et seq.) | 7300 |
| Cultural Resources | National Historic Preservation Act, as amended (16 USC 470) | 8100 |
| Fish Habitat | Magnuson-Stevens Act Provision: Essential Fish Habitat (EFH): Final Rule (50 CFR Part 600; 67 FR 2376, January 17, 2002). | NA |
| Forests and Rangelands | Healthy Forests Restoration Act of 2003 (P.L. 108-148) | NA |
| Migratory Birds | Migratory Bird Treaty Act of 1918, as amended (16 USC 703 et seq.) | NA |
| Native American Religious Concerns | American Indian Religious Freedom Act of 1978 (42 USC 1996) | 8100 |
| Threatened or Endangered Species | Endangered Species Act of 1983, as amended (16 USC 1531) | 6840 |
| Wastes, Hazardous or Solid | Resource Conservation and Recovery Act of 1976 (43 USC 6901 et seq.) Comprehensive Environmental Response Compensation, and Liability Act of 1980, as amended (43 USC 9615) | 9180 9183 |
| Water Quality Drinking–Ground | Safe Drinking Water Act, as amended (43 USC 300f et seq.) | 7240 |
| | Clean Water Act of 1977 (33 USC 1251 et seq.) | 9184 |
| Wild and Scenic Rivers | Wild and Scenic Rivers Act, as amended (16 USC 1271) | 8014 |
| Wilderness | Federal Land Policy and Management Act of 1976 (43 USC 1701 et seq.); Wilderness Act of 1964 (16 USC 1131 et seq.) | 8500 |
| Environmental | E.O. 12898, "Environmental Justice" February 11, 1994 | NA |

| Element | Authority | Manual Section |
|----------------------------|---|-----------------------|
| Justice Floodplains | E.O. 11988, as amended, Floodplain Management, 5/24/77 | 7260 |
| Migratory Birds | E.O. 131186, “Responsibilities of Federal Agencies to Protect Migratory Birds” January 10, 2001 | NA |
| Wetlands-Riparian Zones | E.O. 11990 Protection of Wetlands 5/24/77 | 6740 |

APPENDIX 2

Using Categorical Exclusions Established by the Energy Policy Act of 2005

The Energy Policy Act (P.L. 109-58) prescribes the following five categorical exclusions (CX) for activities whose purpose is for exploration or development of oil or gas:

1. *Individual surface disturbances of less than five acres so long as the total surface disturbance on the lease is not greater than 150 acres and site-specific analysis in a document prepared pursuant to the NEPA has been previously completed.*
2. *Drilling an oil and gas well at a location or well pad site at which drilling has occurred within five years prior to the date of spudding the well.*
3. *Drilling an oil or gas well within a developed field for which an approved land use plan or any environmental document prepared pursuant to NEPA analyzed drilling as a reasonably foreseeable activity, so long as such plan or document was approved within five years prior to the date of spudding the well.*
4. *Placement of a pipeline in an approved right-of-way corridor, so long as the corridor was approved within five years prior to the date of placement of the pipeline.*
5. *Maintenance of a minor activity, other than any construction or major renovation of a building or facility.*

Specific instructions for using these five CXs are identified below.

1. *Individual surface disturbances of less than five acres so long as the total surface disturbance on the lease is not greater than 150 acres and site-specific analysis in a document prepared pursuant to the NEPA has been previously completed.*

Use of this CX requires the decision-maker to do three things before applying this exclusion to any authorization. First, the decision-maker must determine that the action under consideration will disturb less than five acres on the site. If more than one action is proposed for a lease (for example, two or more wells), each activity is counted separately and each may disturb up to five acres. Similarly, the five-acre limit must be applied separately to each action requiring discrete BLM action, such as each APD, even though for processing efficiency purposes the operator submits for BLM review a large Master Development Plan addressing many wells.

Second, the decision-maker must determine that the current unreclaimed surface disturbance readily visible on the entire leasehold is not greater than 150 acres, including the proposed action. This would include disturbance from previous rights-of-way issued in support of lease development. If one or more Federal leases are committed to a BLM-approved unit or communitization agreement, the 150-acre threshold applies separately to each lease. For larger

leases, the requirement for adequate documentation would be satisfied with a copy of the most recent aerial photograph in the file with an explanation of recent disturbance that may not be shown on the aerial photos. Maps, tally sheets, or other visual aids may be substituted for aerial photographs.

Finally, this CX includes the requirement of a site-specific NEPA document. For the purposes of this CX, a site-specific NEPA analysis can be either an exploration and/or development EA/EIS, an EA/EIS for a specific Master Development Plan, a multi-well EA/EIS, or an individual permit approval EA/EIS. The NEPA document must have analyzed the exploration and/or development of oil and gas (not just leasing) and the action/activity being considered must be within the boundaries of the area analyzed in the EA or EIS. The NEPA document need not have addressed the specific permit or application being considered.

This CX may also be applied to geophysical exploration activities provided the above requirements have been met. For example, if an oil and gas exploration and development EIS analyzes the site-specific impacts of 3D geophysical exploration within the oil and gas field, this CX may apply to subsequent 3D geophysical activities conducted within the field.

The above requirements, that is, the five acre threshold, 150 acre unreclaimed disturbance limit, and a site-specific NEPA document that addressed oil and gas development, are the only applicable factors for review pursuant to this statute, but all must be satisfied in order to use this CX.

2. *Drilling an oil and gas well at a location or well pad site at which drilling has occurred within five years prior to the date of spudding the well.*

The well file narrative to support use of this CX must state the date when the previous well was completed or the date the site had workover operations involving a drilling rig of any type or capability; this also includes completion of any plugging operations. A “location or well pad” is defined as a previously disturbed or constructed well pad used in support of drilling a well. “Drilling” in the context of, “Drilling has occurred within five years” refers to any drilled well including injection, water source, or any other service well. Additional disturbance or expansion of the existing well pad is not restricted as long as it is tied to the original location or well pad. This exclusion does not extend to new well sites merely in the general vicinity of the original location or well pad.

If the operator delays in spudding the new well and the time period between the previous well completion and spudding exceed five years, the operator must suspend preparation for drilling operations until the BLM completes NEPA compliance for the proposed well and issues a new decision on the APD. Therefore, the APD must contain a condition of approval (COA) stating that “If the well has not been spudded by *(the date the CX is no longer applicable)*, this APD will expire and the operator is to cease all operations related to preparing to drill the well.”

The above requirements, that is, the drilling of a well at an existing location or well pad and the five year limitation are the only two applicable factors for review pursuant to this statute, but must both be satisfied in order to use this CX.

3. *Drilling an oil or gas well within a developed field for which an approved land use plan or any environmental document prepared pursuant to NEPA analyzed drilling as a reasonably foreseeable activity, so long as such plan or document was approved within five years prior to the date of spudding the well.*

The proposed well must be within a developed oil and gas field. A developed field is any field in which a “confirmation well” has been completed. Normally, this is after the third well in a field. The pending APD must also be within the reasonably foreseeable development scenario (RFD) used in either a land use plan EIS or subsequent developmental EA or EIS. Finally, the new well must be spudded within five years of that previous NEPA document. This provision applies to “any environmental document” that analyzed drilling, meaning any document adopted by any Federal agency pursuant to the NEPA, regardless of whether it was adopted by the BLM. Because the 5-year period is again tied to the spudding of the pending well, the APD must contain a COA that if no well is spudded by the date the CX is no longer applicable, the APD will expire, thus requiring the operator to obtain a new APD. For example, "If the well has not been spudded by *(the date the categorical exclusion is no longer applicable)*, this APD will expire and the operator is to cease all operations related to preparing to drill the well.”

Full field development EISs do not need to be prepared where the development envisioned was analyzed in the land use plan EIS. As long as the development foreseen does not exceed the number of wells and/or surface disturbance analyzed in the prior NEPA document, no additional NEPA documentation is required because of changes in the density of development.

All of the following requirements must be met to use this CX.

- (1) The proposed APD is within a developed oil or gas field. A developed field is defined as any field in which a confirmation well has been completed.
 - (2) There is an existing NEPA document (including that supporting a land use plan) that contains a reasonably foreseeable development scenario encompassing this action.
 - (3) The NEPA document was finalized or supplemented within five years of spudding the well.
4. *Placement of a pipeline in an approved right-of-way corridor, so long as the corridor was approved within five years prior to the date of placement of the pipeline.*

The 5-year time period is to be calculated from the date the decision was made approving the corridor, including any amendments to the corridor. The time period extends to the date placement of any portion of the new pipeline is concluded, provided that placement activities began within the 5-year period. If the operator delays in beginning to place the pipeline, and the time period between the approval of the corridor and placement exceeds five years, the authorized officer must suspend the right-of-way authorization until the BLM completes NEPA compliance for the proposed right-of-way and issues a decision. To avoid problems, the right-of-way must contain a term or condition that provides for the suspension of the authorization if placement does not begin before the last date that the CX is available, thus requiring the operator to obtain a new right-of-way.

Existing right-of-way corridors of any type can be used for new pipeline placement, such as the burial of a pipeline or pipeline conduit in an existing roadbed or along a power line right-of-way, could qualify for the exclusion. The term “right-of-way corridor” in Section 390 is not limited to those authorized under 43 CFR 2800, but is a more generalized term that applies to any type of corridor or right-of-way (whether on or off lease) approved under any authority or vehicle of the BLM, including Sundry Notices. Additional disturbance or width needed to properly or safely install the new pipeline may be authorized under this exclusion if it is within the approved right-of-way corridor. Creation of a new right-of-way completely outside and not overlapping into a portion of the existing corridor is not authorized.

The above requirements, that is, the placement of a pipeline in an existing corridor of any type and placement of the pipe within five years of approval (or amendment), are the only two applicable factors for review pursuant to this statute and both must be satisfied to use this CX.

Other types of new right-of-way applications cannot be excluded from NEPA analysis under this exclusion, for example, above ground power lines, or new roads; however, existing right-of-way corridors, such as roads, may be used for new pipeline or pipeline conduit in an existing roadbed.

5. *Maintenance of a minor activity, other than any construction or major renovation of a building or facility.*

This CX applies to maintenance of minor activities, such as maintenance of the well or wellbore, a road, wellpad, or production facility. The exclusion does not cover construction or major renovation of a building or facility. The addition of a compressor or a gas processing plant would therefore not be eligible for this CX.

Note: CX numbers one through four reference prior approvals made following NEPA analysis. Field Offices must apply the same or more effective mitigating measures considered in the parent NEPA documents to all actions approved under any CX. Additionally, BMPs are to be applied as necessary to reduce impacts to any authorization issued, regardless of the NEPA analysis or exclusion used.

APPENDIX 3

Departmental Categorical Exclusions

The following actions are categorical exclusions (CXs) pursuant to [516 DM 2, Appendix 1](#). However, individual actions must be subjected to sufficient review to determine if any of the extraordinary circumstances listed in **Appendix 5, *Categorical Exclusions: Extraordinary Circumstances*** apply. If any of the extraordinary circumstances apply, an EA or an EIS must be prepared. In addition, see **Appendix 4, *BLM Categorical Exclusions*** for a list of BLM excludable activities.

- 1.1 Personnel actions and investigations and personnel services contracts.
- 1.2 Internal organizational changes and facility and office reductions and closings.
- 1.3 Routine financial transactions including such things as salaries and expenses, procurement contracts (in accordance with applicable procedures and Executive Orders for sustainable or green procurement), guarantees, financial assistance, income transfers, audits, fees, bonds, and royalties.
- 1.4 Departmental legal activities including, but not limited to, such things as arrests, investigations, patents, claims, and legal opinions. This does not include bringing judicial or administrative civil or criminal enforcement actions which are outside the scope of NEPA in accordance with 40 CFR 1508.18(a).
- 1.5 Reserved.
- 1.6 Nondestructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities.
- 1.7 Routine and continuing government business, including such things as supervision, administration, operations, maintenance, renovations, and replacement activities having limited context and intensity (e.g., limited size and magnitude or short-term effects).
- 1.8 Management, formulation, allocation, transfer, and reprogramming of the Department's budget at all levels. (This does not exclude the preparation of environmental documents for proposals included in the budget when otherwise required.)
- 1.9 Legislative proposals of an administrative or technical nature (including such things as changes in authorizations for appropriations and minor boundary changes and land title transactions) or having primarily economic, social, individual, or institutional effects; and comments and reports on referrals of legislative proposals.
- 1.10 Policies, directives, regulations, and guidelines that are of an administrative, financial, legal, technical, or procedural nature and whose environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively or case-by-case.

1.11 Activities which are educational, informational, advisory, or consultative to other agencies, public and private entities, visitors, individuals, or the general public.

1.12 Hazardous fuels reduction activities using prescribed fire not to exceed 4,500 acres, and mechanical methods for crushing, piling, thinning, pruning, cutting, chipping, mulching, and mowing, not to exceed 1,000 acres. Such activities: Shall be limited to areas (1) in wildland–urban interface and (2) Condition Classes 2 or 3 in Fire Regime Groups I, II, or III, outside the wildland–urban interface; Shall be identified through a collaborative framework as described in “A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment 10-Year Comprehensive Strategy Implementation Plan;” Shall be conducted consistent with agency and Departmental procedures and applicable land and resource management plans; Shall not be conducted in wilderness areas or impair the suitability of wilderness study areas for preservation as wilderness; Shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructure; and may include the sale of vegetative material if the primary purpose of the activity is hazardous fuels reduction.

1.13 Post-fire rehabilitation activities not to exceed 4,200 acres (such as tree planting, fence replacement, habitat restoration, heritage site restoration, repair of roads and trails, and repair of damage to minor facilities such as campgrounds) to repair or improve lands unlikely to recover to a management approved condition from wildland fire damage, or to repair or replace minor facilities damaged by fire. Such activities: Shall be conducted consistent with agency and Departmental procedures and applicable land and resource management plans; Shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructure; and Shall be completed within three years following a wildland fire.

APPENDIX 4

BLM Categorical Exclusions

The following actions are designated as categorical exclusions (CXs) pursuant to 516 DM 11.9.

Before any action described in the following list is used, the list of “extraordinary circumstances” described in **Appendix 5, Categorical Exclusions: *Extraordinary Circumstances*** must be reviewed for applicability. If any of the extraordinary circumstances are applicable to the action being considered, either an EA or an EIS must be prepared for the action. When no “extraordinary circumstances” apply, the following activities do not require the preparation of an EA or EIS. In addition, see **Appendix 3, *Departmental Categorical Exclusions*** for a list of DOI-wide CXs.

The following actions are designated as categorical exclusions. The subject headings are for organizational purposes only - any program may use any of the CXs.

A. Fish and Wildlife

1. Modification of existing fences to provide improved wildlife ingress and egress.
2. Minor modification of water developments to improve or facilitate wildlife use (e.g., modify enclosure fence, install flood valve, or reduce ramp access angle).
3. Construction of perches, nesting platforms, islands, and similar structures for wildlife use.
4. Temporary emergency feeding of wildlife during periods of extreme adverse weather conditions.
5. Routine augmentations, such as fish stocking, providing no new species are introduced.
6. Relocation of nuisance or depredating wildlife, providing the relocation does not introduce new species into the ecosystem.
7. Installation of devices on existing facilities to protect animal life, such as raptor electrocution prevention devices.

B. Oil, Gas, and Geothermal Energy

1. Issuance of future interest leases under the Mineral Leasing Act for Acquired Lands, where the subject lands are already in production.
2. Approval of mineral lease adjustments and transfers, including assignments and subleases.
3. Approval of unitization agreements, communitization agreements, drainage agreements, underground storage agreements, development contracts, or geothermal unit or participating area agreements.
4. Approval of suspensions of operations, force majeure suspensions, and suspensions of operations and production.
5. Approval of royalty determinations, such as royalty rate reductions.
6. Approval of Notices of Intent to conduct geophysical exploration of oil, gas, or geothermal, pursuant to 43 CFR 3150 or 3250, when no temporary or new road construction is proposed.

C. Forestry

1. Land cultivation and silvicultural activities (excluding herbicide application) in forest tree nurseries, seed orchards, and progeny test sites.
2. Sale and removal of individual trees or small groups of trees which are dead, diseased, injured, or which constitute a safety hazard, and where access for the removal requires no more than maintenance to existing roads.
3. Seeding or reforestation of timber sales or burn areas where no chaining is done, no pesticides are used, and there is no conversion of timber type or conversion of non-forest to forest land. Specific reforestation activities covered include: seeding and seedling plantings, shading, tubing (browse protection), paper mulching, bud caps, ravel protection, application of non-toxic big game repellent, spot scalping, rodent trapping, fertilization of seed trees, fence construction around out-planting sites, and collection of pollen, scions and cones.
4. Pre-commercial thinning and brush control using small mechanical devices.
5. Disposal of small amounts of miscellaneous vegetation products outside established harvest areas, such as Christmas trees, wildings, floral products (ferns, boughs, etc.), cones, seeds, and personal use firewood.
6. Felling, bucking, and scaling sample trees to ensure accuracy of timber cruises. Such activities:
 - a. Shall be limited to an average of one tree per acre or less,
 - b. Shall be limited to gas-powered chainsaws or hand tools,
 - c. Shall not involve any road or trail construction,
 - d. Shall not include the use of ground based equipment or other manner of timber yarding, and
 - e. Shall be limited to the Coos Bay, Eugene, Medford, Roseburg, and Salem Districts and Lakeview District - Klamath Falls Resource Area in Oregon.
7. Harvesting live trees not to exceed 70 acres, requiring no more than 0.5 mile of temporary road construction. Such activities:
 - a. Shall not include even-aged regeneration harvests or vegetation type conversions.
 - b. May include incidental removal of trees for landings, skid trails, and road clearing.
 - c. May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BLM transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and
 - d. Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment by artificial or natural means, or vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract.

Examples include, but are not limited to:

- a. Removing individual trees for sawlogs, specialty products, or fuelwood.

- b. Commercial thinning of overstocked stands to achieve the desired stocking level to increase health and vigor.
8. Salvaging dead or dying trees not to exceed 250 acres, requiring no more than 0.5 mile of temporary road construction. Such activities:
- a. May include incidental removal of live or dead trees for landings, skid trails, and road clearing.
 - b. May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BLM transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and
 - c. Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment, by artificial or natural means, of vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract.
 - d. For this CX, a dying tree is defined as a standing tree that has been severely damaged by forces such as fire, wind, ice, insects, or disease, and that in the judgment of an experienced forest professional or someone technically trained for the work, is likely to die within a few years. Examples include, but are not limited to:
 - (i) Harvesting a portion of a stand damaged by a wind or ice event.
 - (ii) Harvesting fire damaged trees.
9. Commercial and non-commercial sanitation harvest of trees to control insects or disease not to exceed 250 acres, requiring no more than 0.5 miles of temporary road construction. Such activities:
- a. May include removal of infested/infected trees and adjacent live uninfested/uninfected trees as determined necessary to control the spread of insects or disease; and
 - b. May include incidental removal of live or dead trees for landings, skid trails, and road clearing.
 - c. May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BLM transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and
 - d. Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment, by artificial or natural means, of vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract. Examples include, but are not limited to:

- (i) Felling and harvesting trees infested with mountain pine beetles and immediately adjacent uninfested trees to control expanding spot infestations; and
- (ii) Removing or destroying trees infested or infected with a new exotic insect or disease, such as emerald ash borer, Asian longhorned beetle, or sudden oak death pathogen.

D. Rangeland Management

1. Approval of transfers of grazing preference.
2. Placement and use of temporary (not to exceed one month) portable corrals and water troughs, providing no new road construction is needed.
3. Temporary emergency feeding of livestock or wild horses and burros during periods of extreme adverse weather conditions.
4. Removal of wild horses or burros from private lands at the request of the landowner.
5. Processing (transporting, sorting, providing veterinary care, vaccinating, testing for communicable diseases, training, gelding, marketing, maintaining, feeding, and trimming of hooves of) excess wild horses and burros.
6. Approval of the adoption of healthy, excess wild horses and burros.
7. Actions required to ensure compliance with the terms of Private Maintenance and Care agreements.
8. Issuance of title to adopted wild horses and burros.
9. Destroying old, sick, and lame wild horses and burros as an act of mercy.
10. Vegetation management activities, such as seeding, planting, invasive plant removal, installation of erosion control devices (e.g., mats/straw/chips), and mechanical treatments, such as crushing, piling, thinning, pruning, cutting, chipping, mulching, mowing, and prescribed fire when the activity is necessary for the management of vegetation on public lands. Such activities:
 - a. Shall not exceed 4,500 acres per prescribed fire project and 1,000 acres for other vegetation management projects;
 - b. Shall not be conducted in Wilderness areas or Wilderness Study Areas;
 - c. Shall not include the use of herbicides, pesticides, biological treatments or the construction of new permanent roads or other new permanent infrastructure;
 - d. May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BLM transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and
 - e. Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment, by artificial or natural means, of vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract.

11. Issuance of livestock grazing permits/leases where:
 - a. The new grazing permit/lease is consistent with the use specified on the previous permit/lease, such that
 - (i) the same kind of livestock is grazed,
 - (ii) the active use previously authorized is not exceeded, and
 - (iii) grazing does not occur more than 14 days earlier or later than as specified on the previous permit/lease, and
 - b. The grazing allotment(s) has been assessed and evaluated and the Responsible Official has documented in a determination that the allotment(s) is
 - (i) meeting land health standards, or
 - (ii) not meeting land health standards due to factors that do not include existing livestock grazing.

E. Realty

1. Withdrawal extensions or modifications, which only establish a new time period and entail no changes in segregative effect or use.
2. Withdrawal revocations, terminations, extensions, or modifications; and classification terminations or modifications which do not result in lands being opened or closed to the general land laws or to the mining or mineral leasing laws.
3. Withdrawal revocations, terminations, extensions, or modifications; classification terminations or modifications; or opening actions where the land would be opened only to discretionary land laws and where subsequent discretionary actions (prior to implementation) are in conformance with and are covered by a Resource Management Plan/EIS (or plan amendment and EA or EIS).
4. Administrative conveyances from the Federal Aviation Administration (FAA) to the State of Alaska to accommodate airports on lands appropriated by the FAA prior to the enactment of the Alaska Statehood Act.
5. Actions taken in conveying mineral interest where there are no known mineral values in the land under Section 209(b) of the Federal Land Policy and Management Act of 1976 (FLPMA).
6. Resolution of class one color-of-title cases.
7. Issuance of recordable disclaimers of interest under Section 315 of FLPMA.
8. Corrections of patents and other conveyance documents under Section 316 of FLPMA and other applicable statutes.
9. Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.
10. Transfer or conversion of leases, permits, or rights-of-way from one agency to another (e.g., conversion of Forest Service permits to a BLM Title V Right-of-way).
11. Conversion of existing right-of-way grants to Title V grants or existing leases to FLPMA Section 302(b) leases where no new facilities or other changes are needed.
12. Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.
13. Amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside the right-of-way boundary.
14. Grants of rights-of-way for an overhead line (no pole or tower on BLM land) crossing over a corner of public land.

15. Transfers of land or interest in land to or from other bureaus or federal agencies where current management will continue and future changes in management will be subject to the NEPA process.
16. Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.
17. Grant of a short rights-of-way for utility service or terminal access roads to an individual residence, outbuilding, or water well.
18. Temporary placement of a pipeline above ground.
19. Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.
20. One-time issuance of short-term (3 years or less) rights-of-way or land use authorizations which authorize trespass action where no new use or construction is allowed, and where the proposal includes rehabilitation to restore the land to its natural or original condition.

F. Solid Minerals

1. Issuance of future interest leases under the Mineral Leasing Act for Acquired Lands where the subject lands are already in production.
2. Approval of mineral lease readjustments, renewals, and transfers including assignments and subleases.
3. Approval of suspensions of operations, force majeure suspensions, and suspensions of operations and production.
4. Approval of royalty determinations, such as royalty rate reductions and operations reporting procedures.
5. Determination and designation of logical mining units.
6. Findings of completeness furnished to the Office of Surface Mining Reclamation and Enforcement for Resource Recovery and Protection Plans.
7. Approval of minor modifications to or minor variances from activities described in an approved exploration plan for leasable, salable, and locatable minerals (e.g., the approved plan identifies no new surface disturbance outside the areas already identified to be disturbed).
8. Approval of minor modifications to or minor variances from activities described in an approved underground or surface mine plan for leasable minerals (e.g., change in mining sequence or timing).
9. Digging of exploratory trenches for mineral materials, except in riparian areas.
10. Disposal of mineral materials, such as sand, stone, gravel, pumice, pumicite, cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas.

G. Transportation

1. Incorporation of eligible roads and trails in any transportation plan when no new construction or upgrading is needed.
2. Installation of routine signs, markers, culverts, ditches, waterbars, gates, or cattleguards on/or adjacent to roads and trails identified in any land use or transportation plan, or eligible for incorporation in such plan.
3. Temporary closure of roads and trails.
4. Placement of recreational, special designation, or information signs, visitor registers, kiosks, and portable sanitation devices.

H. Recreation Management

1. Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan. This CX cannot be used for commercial boating permits along Wild and Scenic Rivers. This CX cannot be used for the establishment or issuance of Special Recreation Permits for “Special Area” management (43 CFR 2932.5).

I. Emergency Stabilization

1. Planned actions in response to wildfires, floods, weather events, earthquakes, or landslips that threaten public health or safety, property, and/or natural and cultural resources, and that are necessary to repair or improve lands unlikely to recover to a management-approved condition as a result of the event. Such activities shall be limited to: repair and installation of essential erosion control structures; replacement or repair of existing culverts, roads, trails, fences, and minor facilities; construction of protection fences; planting, seeding, and mulching; and removal of hazard trees, rocks, soil, and other mobile debris from, on, or along roads, trails, campgrounds, and watercourses. These activities:
 - a. Shall be completed within one year following the event;
 - b. Shall not include the use of herbicides or pesticides;
 - c. Shall not include the construction of new roads or other new permanent infrastructure;
 - d. Shall not exceed 4,200 acres; and
 - e. May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BLM transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and
 - f. Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment by artificial or natural means, or vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract

J. Other

1. Maintaining land use plans in accordance with 43 CFR 1610.5-4.
2. Acquisition of existing water developments (e.g., wells and springs) on public land.
3. Conducting preliminary hazardous materials assessments and site investigations, site characterization studies and environmental monitoring. Included are siting, construction, installation and/or operation of small monitoring devices such as wells, particulate dust counters and automatic air or water samples.
4. Use of small sites for temporary field work camps where the sites will be restored to their natural or original condition within the same work season.
5. Reserved.
6. A single trip in a one month period for data collection or observation sites.
7. Construction of snow fences for safety purposes or to accumulate snow for small water facilities.
8. Installation of minor devices to protect human life (e.g., grates across mines).
9. Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas.
10. Removal of structures and materials of no historical value, such as abandoned automobiles, fences, and buildings, including those built in trespass and reclamation of the site when little or no surface disturbance is involved.
11. Actions where the BLM has concurrence or co-approval with another DOI agency and the action is categorically excluded for that DOI agency.
12. Rendering formal classification of lands as to their mineral character, waterpower, and water storage values.

APPENDIX 5

Categorical Exclusions: Extraordinary Circumstances

Before any non-Energy Act CX is used, you must conduct sufficient review to determine if any of the following extraordinary circumstances apply (516 DM 2, Appendix 2). If any of the extraordinary circumstances are applicable to the action being considered, either an EA or an EIS must be prepared for the action. Part 516 of the Departmental Manual (516 DM 2, Appendix 2) states that extraordinary circumstances exist for individual actions within CXs which may:

- 2.1 Have significant impacts on public health or safety.
- 2.2 Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.
- 2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].
- 2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
- 2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
- 2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
- 2.7 Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.
- 2.8 Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.
- 2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
- 2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

- 2.11 Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).
- 2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

APPENDIX 6

Categorical Exclusion Documentation Format When Using Categorical Exclusions Not Established by Statute

A. Background

BLM Office: _____ Lease/Serial/Case File No.: _____

Proposed Action Title/Type: _____

Location of Proposed Action: _____

Description of Proposed Action: _____

B. Land Use Plan Conformance

Land Use Plan Name: _____ Date Approved/Amended: _____

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): _____

_____ The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions): _____

C: Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, _____

[Insert appropriate CX number and text, or a paraphrase of the text] or 516 DM 11.9, _____

[Insert appropriate CX number and text, or a paraphrase of the text].

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM2 apply.

I considered _____
_____ [Insert any pertinent design features incorporated into the project design, or relevant situations discussed during project design, and explain why there is no potential for significant impacts].

D: Signature

Authorizing Official: _____ Date: _____
(Signature)

Name: _____

Title: _____

Contact Person

For additional information concerning this CX review, contact [Insert contact name, title, office name, mailing address, and telephone number].

Note: A separate decision document must be prepared for the action covered by the CX.

APPENDIX 7

Documentation Requirements for Hazardous Fuels Actions and Post-Fire Rehabilitation Actions

Decision Memorandum on Action and for Application of: Departmental Categorical Exclusion 1.12 (or 1.13 or both) Project Name

U.S. Department of the Interior

Bureau Name

Bureau Field Station (State Office, Regional Office, etc.)

County, State

Description of the Proposed Action and the Purpose and Need for the Action

[Provide a description of the proposed action and the purpose and need for the action. Provide any pertinent facts such as: applicable legal land description, statutory citations, and other agency involvements.]

Plan Conformance

[State that the Proposed Action is consistent with any land and resource management plans as required by appropriate Federal, State, or local statutes having a bearing on the decision.]

[State that the Proposed Action was designed in conformance with all bureau standards and incorporates appropriate guidelines for specific required and desired conditions relevant to project activities.] [insert findings for other applicable laws.]

Compliance with the National Environmental Policy Act

[State that the Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, 1.12 (or 1.13 or both).] [insert reasons.]

[State that the application of this categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects which may significantly affect the environment.] [Clearly state that none of the exceptions apply. If any apply, then the categorical exclusions cannot be utilized.] [State that these extraordinary circumstances are contained in 516 DM 2, Appendix 2.]

I considered [insert any pertinent situations that were brought up during the design of the activities and explain why there is no potential for significant effects].

Persons and Agencies Consulted

[Explain how the public was made aware of this proposed activity. Describe people and agencies consulted regarding the development of the action and steps taken based on this consultation.]

Decision and Rationale on Action

I have decided to implement *[insert description of actions, including mitigation measures and reference any maps and drawings]*. These actions meet the need for action. In addition, I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required.

Implementation Date

This project will be implemented on or after *[insert implementation date and identify any conditions related to implementation]*.

[Insert deciding official's name]

Date

[Insert deciding official's title]

Administrative Review or Appeal Opportunities

[State whether the decision is or is not subject to administrative appeal. If it is subject to appeal, provide the citation of the appeal rules and provide appeal information.]

Contact Person

For additional information concerning this decision, contact *[Insert contact name, title, office name, mailing address, and telephone number]*.

APPENDIX 8
Worksheet
Determination of NEPA Adequacy (DNA)
U.S. Department of the Interior
Bureau of Land Management

OFFICE:

TRACKING NUMBER:

CASEFILE/PROJECT NUMBER:

PROPOSED ACTION TITLE/TYPE:

LOCATION/LEGAL DESCRIPTION:

APPLICANT (if any):

A. Description of the Proposed Action and any applicable mitigation measures

B. Land Use Plan (LUP) Conformance

LUP Name* _____ Date Approved _____

Other document _____ Date Approved _____

Other document _____ Date Approved _____

** List applicable LUPs (for example, resource management plans; activity, project, management, or program plans; or applicable amendments thereto)*

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Documentation of answer and explanation:

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Documentation of answer and explanation:

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Documentation of answer and explanation:

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Documentation of answer and explanation:

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Documentation of answer and explanation:

E. Persons/Agencies /BLM Staff Consulted

| <u>Name</u> | <u>Title</u> | <u>Resource/Agency Represented</u> |
|-------------|--------------|------------------------------------|
|-------------|--------------|------------------------------------|

Note: Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

Conclusion *(If you found that one or more of these criteria is not met, you will not be able to check this box.)*

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

Signature of Project Lead

Signature of NEPA Coordinator

Signature of the Responsible Official:

Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

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APPENDIX 9

Recommended EA Format

Following is a suggested, but optional, outline for an EA. Refer to **Chapter 8, *Preparing an Environmental Assessment*** for descriptions of the content for these EA sections or chapters.

1. Introduction

- Identifying Information
- Purpose and Need for Action
- Scoping and Public Involvement and Issues

2. Proposed Action and Alternatives

- Description of Proposed Action
- Description of Alternatives Analyzed in Detail
- Alternatives Considered but not Analyzed in Detail

3. Affected Environment

4. Environmental Effects

- Direct and Indirect Effects
- Cumulative Effects
- Residual Effects

5. Tribes, Individuals, Organizations, or Agencies Consulted

6. List of Preparers

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APPENDIX 10

Items to Include in the Administrative Record

The administrative record needs to demonstrate all of the factors considered and the process used in reaching a decision. The record must also document public involvement in the process. Be aware that some documents in the Administrative Record are subject to the Freedom of Information Act and Privacy Act (consult your FOIA Officer). Note this on the document itself, and indicate it in the database. (If the administrative record is used in lawsuits, protests, and so forth, and if information is not filed in the administrative record, the courts or the IBLA may consider that it did not happen.)

Administrative records may include (but are not limited to) these documents:

General Information

- *Federal Register* Notices
- Interdisciplinary Team or Project Team Membership
- Preparation Plans
- Contract Information (if the project is contracted)

Public Information

- Public Involvement Plans
- Public Information Documents (letters, notices)
- News Reports and Clippings
- General Correspondence
- Meeting and Workshop Records (attendance lists, announcements)
- Scoping Report
- BLM Responses to Comments (if not included in the environmental document)
- Protests or appeals and the BLM's responses
- Mailing Lists
- Public Comments (from all phases of the project)

External Communications

- Other Federal Agencies
- Cooperating Agencies
- Tribes
- State Agencies
- Local Agencies
- Elected Officials (Governor, County commissioners, city officials, and so forth)
- Organizations
- Individuals
- Freedom of Information Act (FOIA) Requests and Responses (maintained by the FOIA Officer)

Internal Communications

- Project Management Correspondence
- Interdisciplinary Team–Project Team Correspondence (meeting notes, agendas)
- FOIA exempt documents
- Quality Assurance Determination

Background Material/Supporting Information

- Data
- Data Standards
- Metadata
- References
- Analyses (of alternatives, environmental consequences)
- Appendixes
- Special Reports (ACEC Report, Reasonably Foreseeable Development Scenarios, Mineral Assessments, Wild and Scenic River Suitability Assessments)
- Biological Assessments or Opinions
- Section 106 Consultation

Environmental Documents

- Draft EIS
- Final EIS
- Record of Decision or Decision Record

APPENDIX 1 1

Federal Register Illustrations

These illustrations were adopted from the Office of the Federal Register's *Federal Register Document Drafting Handbook*, October 1998 Revision.

Illustration 1: *Federal Register* Format Requirements

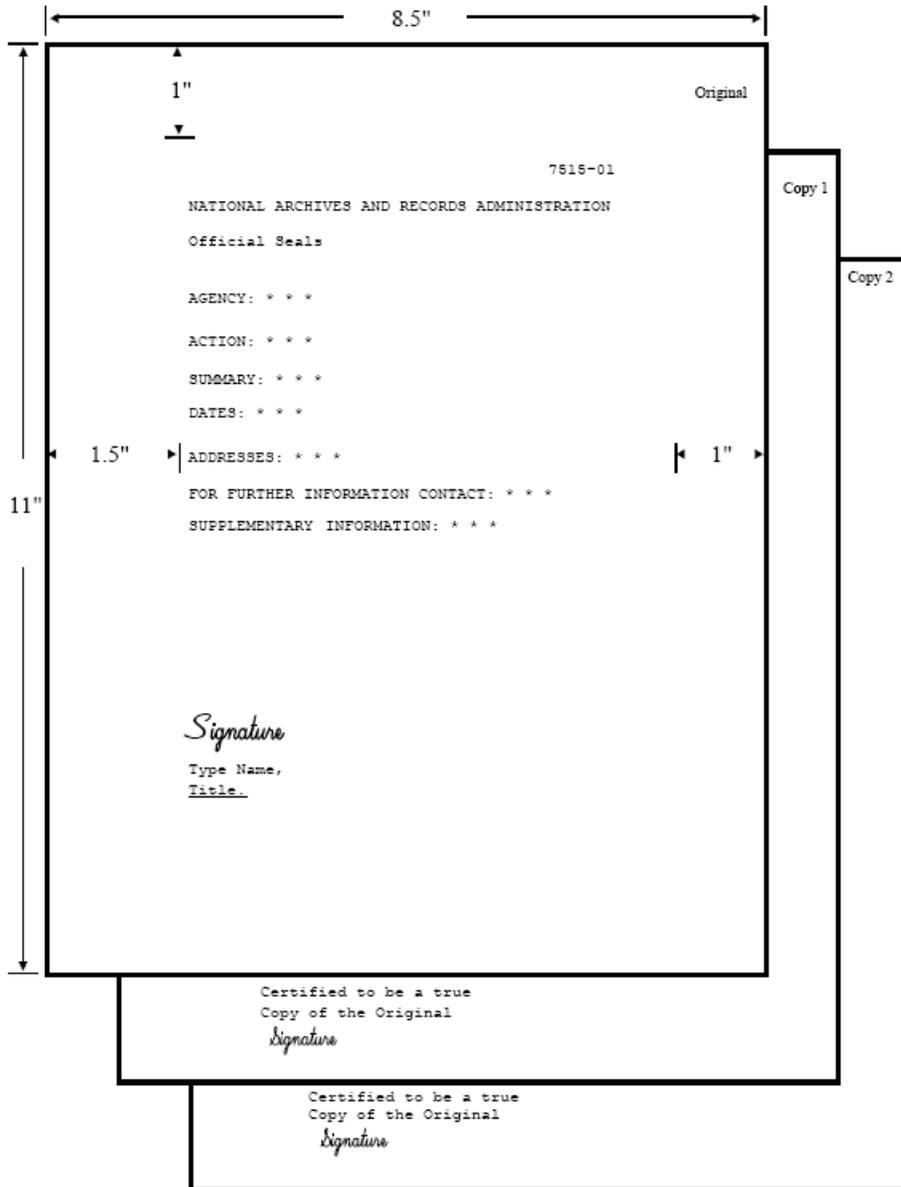


Illustration 2: Sample Notice

7515-01

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Public Meeting With Interested Vendors for Ordering
Reproductions of Still Photographs, Aerial Film, Maps, and
Drawings

AGENCY: National Archives and Records Administration.

ACTION: Notice of meeting.

SUMMARY: The National Archives and Records Administration (NARA) will hold a meeting to discuss the continued privatization of reproduction services for still pictures, aerial film, maps, and drawings. On March 6, 199x, NARA began a test phase of new procedures for the delivery of reproduction services for records which NARA customers request from the Still Picture Branch, the Cartographic and Architectural Branch, and the Nixon Presidential Materials Staff. The National Archives and Records Administration permitted vendors to set up work stations in College Park, MD, where the still photographs, cartographic, and architectural records are housed and made available. The three units referred customer requests for reproduction of these media to the vendors, who determined fees, collected payments, performed the copying work, and mailed the reproductions to the customers. The purpose of this one-year

Illustration 2: Sample Notice (Continued)

trial program was to: verify the degree to which the privatization of the reproduction order fulfillments could improve customer service; and ascertain the extent to which digital scanning can satisfy requirements from NARA's customers. The program is extended for one more year, with some changes. All vendors interested in the program, including vendors already participating, are invited to attend the next scheduled meeting. A follow-up meeting has also been scheduled to answer any remaining questions from possible vendors, and to distribute copies of the memorandum of agreement.

DATES: The meeting will be held on Wednesday, January 24, 199x, at 2 p.m. The follow-up meeting will be held on Thursday, February 15, 199x, at 2 p.m.

ADDRESSES: The meetings will be held in Archives II, Lecture Rooms D and E, located at 8601 Adelphi Road, College Park, MD.

FOR FURTHER INFORMATION CONTACT: Michael Meetings, 301-000-0000.

Dated: January 2, 199x.

Signature

Type name,

Title.

Illustration 3: Guidance on Writing a *Federal Register* Notice

Capitals. Type in all capital letters:

- The name of the agency or cabinet-level department (but not the name of the subagency) in the heading of a document.
- "FEDERAL REGISTER" in the parenthetical for dates that we are to compute.
- Preamble captions.

Example 27.

AGENCY:

ACTION:

SUMMARY:

DATES:

ADDRESSES:

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:

Copies. Provide legible copies.

Correction or adhesive tape. Do not use correction or adhesive tape.

Double-spacing. Type the text of your document double-spaced.

Headings. Type document headings centered or flush with the left margin.

Margins

- One inch at the top, bottom, and right side.
- One and one-half inches on the left side.

Page numbers. Number the pages consecutively in one of the following places:

- Centered top.
- Centered bottom.
- Upper right-hand corner.

Paper. You must prepare your documents on 8½" × 11" white paper.

Quotation marks. Use quotation marks for names of books, journals, articles, and similar items.

Quoted material. Type quoted material:

- Single-spaced.
- Centered-block style.
- Without quotation marks.

Single-sided copy. You must type your document on one side only.

Illustration 3: Guidance on Writing a *Federal Register* Notice (Continued)**§ Symbol.**

Use the § symbol only for a CFR section and §§ symbol only for multiple sections. However, do not use a § symbol to begin a sentence; instead, spell out the word. Do not use the § symbol or the word "section" when the reference follows a title number and CFR as in 36 CFR 1200.1.

Style.

Use the "U.S. Government Printing Office Style Manual" as a guide for punctuation, capitalization, spelling, compounding, and other style matters. You may obtain the GPO Style Manual from the Superintendent of Documents, Government Printing Office.

References.

If your document relates to a previously published *Federal Register* document, you must cite the earlier document. A reference in a notice document to a previously published *Federal Register* document must identify the volume number, page number, and date of the issue in which the document appeared. (See example 28.)

Example 28. Reference to a previously published *Federal Register* document.

6x FR 12345, Jul. 23, 199x

A reference in a notice document to material contained in the CFR should identify the CFR title and part or section number. (See example 29.)

Example 29. Reference to material contained in the CFR.

36 CFR part 1200
36 CFR 1200.1

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