



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

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Instruction Memorandum No. NM-2009-16  
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To: DMs, FMs and DSDs for Minerals and Lands and Resources  
Attention: Planning and Environmental Coordinator Staffs

From: State Director

Subject: Clarification of the Public Comment Process for Environmental Assessments (EAs) and the Related Maintenance of the Bureau of Land Management New Mexico (BLM NM) Field Office Planning - National Environmental Policy Act (NEPA) Web sites

**Program Areas:** Planning and Environmental Coordination, Resource Programs, Lands and Realty and Minerals.

**Purpose:** Clarify District Office/Field Office guidance on public involvement/comment requirements primarily for the preparation of EAs and the related importance of maintaining the Field Office Planning-NEPA Web sites, including the NEPA Logs.

**Authority:** The NEPA of 1969, as amended, and the Federal Land Policy and Management Act of 1976.

**Policy/Action:** Effective immediately, this guidance, which is consistent with the NEPA Handbook, H-1790-1, clarifies how public involvement and comment should be addressed particularly for EAs within the BLM, as well as the need for Field Offices to maintain the Planning-NEPA Web sites.

Public involvement and comment process requirements for different NEPA documents vary. Questions concerning any guidance/requirements in the NEPA Handbook, including public involvement and comment requirements for all EAs and other NEPA documents, should be directed to the Field Office Planning and Environmental Coordinators, or the State Office Planning and Environmental Coordinator.

**BLM Planning - NEPA Web site:** The BLM Field Office “Planning-NEPA Web sites, including the NEPA Logs, provide one important avenue to allow for public involvement/

comment opportunities on EAs and all other NEPA documents (e.g. Categorical Exclusions). Therefore, staff must continue to ensure that all Field Office Planning-NEPA Web sites and NEPA Logs are routinely maintained and updated.

**Public Comment/Involvement for the Preparation of EAs:** The NEPA Handbook states that you must have some form of public involvement in the preparation of all EAs. Managers have considerable discretion on how to provide opportunities for public involvement/comment during the preparation of EAs, with some exceptions that require a more formal public comment process.

Formal Public Comment Process for EAs: Some Findings of No Significant Impact (FONSI) statements must be made available for a 30-day public review before the determination of whether to prepare an Environmental Impact Statement. (Refer to the NEPA Handbook, pages 83-84, for additional circumstances requiring formal public review and comment periods on EAs with specified time frames.) An unsigned EA/FONSI that meets this criterion, for example, should be posted on the Field Office's Planning-NEPA Web site for the required formal public comment period. In addition, staff should also post the completed EAs, along with the signed Decision Records and FONSI on the Field Office Web site. (This does not preclude other avenues for Field Offices to make the public aware of formal comment periods for these types of EAs or other NEPA documents, in addition to posting the project on the NEPA Logs.)

Informal Public Comment Process for EAs: For the preparation of EAs that do not meet the exception criteria as discussed above and in the NEPA Handbook, managers will afford the public some opportunity for comment during their preparation. In light of this directive, the language introducing the Field Office NEPA Logs on the BLM Web site has been updated. The Web site helps to serve as public notification for comment opportunities on all NEPA documents, including EAs not requiring formal public comment periods. Therefore, managers have discretion as to how informal public comments should be addressed within each office, and strategies should be developed to meet individual District/Field Office needs, depending on the type of EA. (Note: On a case-by-case basis for certain EAs, the BLM State Office may provide statewide guidance for addressing public comment to help ensure consistency.)

**Budget Impacts:** This IM clarifies the NEPA Handbook's existing guidance on public involvement/comment requirements for EAs, as well as other NEPA documents, and how those requirements will be implemented by BLM. Therefore, budget impacts should be nominal.

**Background:** The purpose of this guidance is to clarify how public involvement/comment opportunities for EAs must be addressed, including maintaining and updating the BLM Field Office Planning-NEPA Web site as one tool to help meet that objective.

**Manual Sections Affected:** The NEPA Handbook, H-1790-1, and the Land Use Planning Handbook, H-1610-1.

**Coordination:** The BLM NM staff was notified last year of the required use of the new NEPA Handbook, H-1790-1. Regularly scheduled conference calls have been held with the District/Field Office Planning and Environmental Coordinators concerning on-going improvements made to the BLM Field Office Planning-NEPA Web site and NEPA Logs. Periodic updates have also been provided by the State Planning and Environmental Coordinator at weekly Executive Management Team meetings, along with coordination with the Division of Minerals (NM 9200). This Instruction Memorandum was also circulated in preliminary draft form to the Field Office Planning and Environmental Coordinators and Deputy Chief for External Affairs for review and comment.

**Contact:** Direct any questions regarding this guidance to Mark R. Spencer, State Planning and Environmental Coordinator, at 505-438-7402 or e-mail at [mark\\_spencer@blm.gov](mailto:mark_spencer@blm.gov).

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