



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Wyoming State Office

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IN REPLY REFER TO:

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September 30, 2009

EMS TRANSMISSION: October 5, 2009  
Instruction Memorandum No. WY- 2009-037  
Expires 09/30/2010

To: Field Managers and District Managers

From: State Director

Subject: National Environmental Policy Act (NEPA) Public Participation and Internet Register

**Program Areas:** Fluid Minerals and Planning

**Purpose:** This Instruction Memorandum (IM) will provide the standards and guidance to Field Offices for posting of oil and gas actions to the Bureau of Land Management (BLM) Wyoming Internet National Environmental Policy Act (NEPA) Register. These postings will increase opportunities for public participation in the BLM's NEPA process for these actions.

**Policy/Action:** Currently, the Wyoming BLM Internet NEPA Register (<http://www.wy.blm.gov/nepa/search/>) provides information about (1) Environmental Assessments (EAs) and (2) Categorical Exclusions (CXs) to NEPA analysis under 43 CFR 46.205(a), including CXs applied in accordance with 516 DM 11.9(B). Effective October 1, 2009, the NEPA Register will be changed to also accept CXs applied under Section 390 (390CX's) of the Energy Policy Act of 2005.

Beginning October 1, 2009, Field Offices are directed to begin entering 390CXs into the NEPA register, and use the unique number generated by the NEPA Register in their final 390CX documentation (see WY-IM-2006-10).

To make the oil and gas information more useful to the public, we have developed additional standards for the use and maintenance of the NEPA Register. Field Offices are instructed to:

1. Enter project information into the NEPA Register and obtain the unique number within 5 business days of a project being received by the Field Office. For actions taken under 43 CFR 3160, projects that may require entry into the NEPA Register include Applications for Permit to Drill (APDs), Sundry Notices (SNs), and Plans of Development (PODs) or Master Development Plans (MDPs). The Energy Policy Act of 2005 also provided for

the use of 390CX Category 4 to be used in Rights of Way (ROW). The “Start Date” is the date that an APD is posted in the public room (43 CFR 3162.3-1(g)) or any other proposal is date-stamped as “received” by the appropriate Field Office.

At the time the APD or other proposal is received, the Field Office is advised to make their best prediction as to what type of NEPA documentation may be used. If, after further review, the Field Office chooses to use a different form of NEPA documentation (e.g., use an EA instead of an 390CX), the NEPA Register can be updated and the unique number will reflect the change in document type – while keeping the same last three digits as originally assigned.

2. The “Program” for fluid minerals actions in the NEPA Register should be either:
  - Oil and Gas, or
  - CBNG (reserved only for actions taken pursuant to exploration or development of coalbed natural gas resources).
  
3. The “Project” description for all fluid minerals actions must include one or more of the following notations if the proposal includes any one of the following three types of permit applications:
  - Applications for Permit to Drill: “APD”
  - Sundry Notice: “SN”
  - Master Development Plan/Plan of Development: “POD” (those actions submitted by a proponent as a package, typically containing multiple APDs, a Master Surface Use Plan, a Master Drilling Plan, and other components such as a Water Management Plan)

This will allow the public and BLM to easily sort and identify these types of actions in the Register.

To improve customer service we must timely post actions to the NEPA Register. Information in the NEPA Register will be maintained current to within 5 business days or less. At a minimum, NEPA Register information regarding the status of environmental documents will be updated weekly.

The weekly update applies to NEPA Register information posted at two key dates in the environmental review process: (1) receipt of a proposed action from the proponent, and (2) when a NEPA decision document such as Decision Record has been signed.

These changes are intended to make the NEPA Register easier to use and query for members of the public. As well, these changes will allow the BLM to use the NEPA Register in responding to Departmental, Bureau, Congressional, and public inquiries.

**Time Frame:** This IM is effective on October 1, 2009 and will be in effect unless formally modified.

**Budget Impacts:** There will be negligible budget impacts.

**Background:** The electronic NEPA Register has been used in Wyoming since 2004 (see WY-IM-2004-17), and provides information about the most recent three fiscal years' of actions considered under NEPA.

Some members of the public have expressed a desire for the BLM to make actions related to fluid mineral development more clearly identifiable in the NEPA Register. In addition, a recent General Accounting Office (GAO) Report (GAO-09-072 – “Greater Clarity Needed to Address Concerns with Categorical Exclusions for Oil and Gas Development under Section 390 of the Act”) encouraged the BLM to use 390CX’s in a manner that ensures the public is “fully informed of the environmental consequences of BLM’s actions.”

**Manual/Handbook Sections Impacted:** None.

**Coordination:** This IM was circulated among staff of WY921, WY930, and WY912.

If you have any questions, please contact Travis Bargsten (Physical Scientist, at 307-775-6197); Janet Kurman (NEPA Specialist, at 307-775-6443), or Roger Alexander (Webmaster, 307-775-6047).

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