

# Guidebook for Third-Party Prepared Environmental Assessments

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## 1.0 INTRODUCTION

The National Environmental Policy Act (NEPA) was passed by Congress in 1969 and signed into law by President Nixon on January 1, 1970. It is through this Act that the BLM, as a federal agency, is responsible for preparing documents that analyze the environmental consequences of its actions and assist in determining whether a Proposed Action would have a significant impact on our environment. All actions that are proposed on, or would affect, public lands or resources must be reviewed for NEPA compliance. The intention of this guidance is to furnish direction for third-party contractors working on NEPA documents to comply with the law as currently interpreted by the Council on Environmental Quality's (CEQ) regulations for implementing NEPA (40 CFR Parts 1500-1508), the Departmental Manual (516 DM 1-7), 43 CFR Part 46 (October 2008), and the BLM's National Environmental Policy Act Handbook (H-1790-1, January 2008).

This guidance may be shared with third-party contractors working on Phoenix District Office (PDO) environmental assessments (EA). The terms "Authorized Officer" and "Responsible Official" are used synonymously.

**NOTE:** The BLM is a decentralized federal agency, each district approaches the format and content in NEPA documents differently. There is no "one size fits all EA" in the BLM. *This Guidebook is for the Phoenix District Office.*

# **THE TYPICAL EA PROCESS AT A GLANCE**

## **Pre-Application/Application**

- Meetings/Conference Calls with BLM
- BLM Review of application/supporting documents such as a Plan of Development, Plan of Operation

## **Potential Studies**

- Class I and III cultural resources inventory
- Biological evaluation

## **Project Kick-Off**

- Presentation
- Site Visit
- Resources Affected Determined by the BLM

## **Public Scoping**

- 15 or 30-day scoping
- Public Workshop(s)

## **BLM Review of Administrative Draft Documents**

## **Public Review of Draft Documents**

- DEA published
- 15 or 30-day review period
- Public Workshop(s)

## **Finalize Documents**

- FEA published
- Finding of No Significant Impact
- Decision Record
- 30-day appeal period

## **Project Decision**

- Right-of-Way Grant Issued, Plan of Operations Approved etc.

## **Concurrent Compliance** with the:

- Endangered Species Act
- National Historic Preservation Act

If historic properties would be adversely affected, the BLM may require a:

- Programmatic Agreement for phased projects or a;
- Memorandum of Agreement when resources are known.

## TYPICAL ROLES AND RESPONSIBILITIES

The BLM has determined that due to limited funding or staffing the applicant is required to “hire out” or contract the work necessary to complete the EA and other supporting studies and documents. Below is the typical delineation of BLM and third-party contractor roles and responsibilities:

Activity	BLM	Contractor
Conference call/meeting minutes.		X
Compile and maintain the Administrative Record.		X
Monthly conference calls.	X	X
Kick-off meeting and site visit.	X	X
Compile initial mailing list.	X	
Maintain mailing list.		X
Track project tasks and schedule.	TBD	TBD
Furnish printed materials (sign-in sheets, comment forms, maps and other informational posters) for public scoping and/or DEA workshops.		X
Publish press release.	X	
Public scoping workshop(s).	X	X
Workshop logistics (reserve facility etc.)		X
Deliver the ADEA, maps, attachments etc. for phased review by the BLM.		X
Tribal consultation correspondence.	X	
SHPO consultation correspondence.	X	
Class I and III cultural resources inventory.		X
Biological Assessment.	TBD	TBD
Mail correspondence (e.g. “Dear Reader” letter to mailing project mailing list) for scoping and/or public review of the DEA.	TBD	TBD
Deliver the DEA, maps, attachments etc. for public review.		X
Publish press release.	X	
Public review of DEA workshop(s).	X	X
Workshop logistics (reserve facility etc.).		X
Deliver the FEA, maps, attachments etc. for publication.		X
Maintain project website in ePlanning.	X	
Prepare and approve the FONSI.	X	
Prepare and approve the Decision Record.	X	

## **2.0 INITIATING THE EA**

### **PRE-REQUISITES**

The following are required before the BLM can “initiate” the process for an EA:

- The BLM has GIS-based data; and
- The BLM has accepted a sufficiently prepared application and plan (such as a Plan of Development for the lands and realty program, or a Plan of Operation for the mining program).

PDO follows a three-step process to start new EA.

### **STEP 1. KICK-OFF PRESENTATION**

A project introduction meeting will be scheduled with the appropriate field office interdisciplinary team. Attendees will also include the applicant(s) and consultant(s) representatives.

The format of the project introduction meeting will be in a conference room setting at PDO, with audio visual equipment available for a PowerPoint presentation.

The meeting will be scheduled for one hour, with no more than 30-minutes for the program, and 30-minutes for questions and answers, and discussions.

### **STEP 2. SITE VISIT**

After the project introduction meeting, a field visit will be held to the project site. The objective is to provide the BLM interdisciplinary team an overview of the project area (where features are proposed to be built etc.).

Attendees will include BLM, the applicant(s), and consultant(s) representatives.

The site visit should occur within a few days of the kick-off presentation.

### **STEP 3. ORGANIZATIONAL CONFLICT OF INTEREST**

Within 10-days of completing items #1, a third-party consultant preparing an EA for PDO must submitted the following form to the BLM:

**Organizational Conflict Of Interest  
Representation Statement Certification**

I hereby certify, as a representative of [INSERT COMPANY NAME], that to the best of my knowledge and belief, no facts exist relevant to any past, present, or currently planned interest or activity (financial, contractual, personal, organizational, or otherwise) which relate to the proposed work; and bear on whether I or [INSERT COMPANY NAME] has a possible conflict of interest with respect to: (1) being able to render impartial, technically sound, and objective assistance or advice; or (2) being given an unfair competitive advantage. [INSERT COMPANY NAME] is a private held corporate that is not under the direct control of any other company or contractor with financial or other interest in the project to be analyzed.

Signature: \_\_\_\_\_ Date:

Name and Title:

Project:

Applicants:

## **3.0 AFFECTED RESOURCES**

### **STEP 4. INTERNAL SCOPING**

Upon the conclusion of the project introduction meeting and site visit, the PDO will provide the third-party contractor a completed checklist of Supplemental Authorities and Resources or Other Uses Other Than Supplemental Authorities for resources that require analysis in the EA. For those resources that do not warrant analysis in the EA, the BLM will provide the rationale (see example tables below). Analysis of effects to resources shall be commensurate with the degree of effect.

The preamble to the two checklists is as follows:

The BLM is required to address specific elements of the environment that are subject to requirements in statute or regulation or by executive order (BLM 2008). Table 1 lists the elements that must be addressed in all environmental analysis and indicates whether the Proposed Action and Alternatives affect those elements. Other resources of the human environment that have been considered for analysis are listed in Table 2.



**Table 1. Supplemental Authorities\*.**

Resource	Present Yes/No	May be Affected Yes/No	Rationale
Air Quality, including Greenhouse Gas Emissions and Global Climate Change	Y	Y	Carried forward for analysis.
Areas of Critical Environmental Concern	Y	N	The Incandescent Rocks ACEC occurs in the Planning Area, but is outside the Project Area. The Hardscrabble treatment unit is approximately 0.7 mile east of the ACEC and Winnemucca Valley South is approximately 0.7 mile west of the ACEC. The Carson Wandering Skipper ACEC is outside the Planning and Project areas. The Winnemucca Valley South is the closest treatment unit, approximately 1.7 miles north of the ACEC.
Cultural Resources	Y	Y	Carried forward for analysis.
Environmental Justice	Y	Y	Potential effects to traditional resource uses by tribal members from the application of herbicides was analyzed in the IWMP, pages 45-46 and 84-86, which is hereby incorporated by reference.
Farm Lands (prime or unique)	N	N	Resource not present.
Floodplains	N	N	Resource not present.
Noxious and Invasive Weeds	Y	Y	Carried forward for analysis.
Migratory Birds	Y	Y	Carried forward for analysis.
Native American Religious Concerns	Y	Y	Carried forward for analysis.
Threatened or Endangered Species (Animals)	N	N	There is no designated critical habitat for the Carson Wandering Skipper ( <i>Pseudocopa eodes eunus obscurus</i> ), which occupies habitat in the Carson Wandering Skipper ACEC. This ACEC occurs outside the Planning and Project areas. The Winnemucca Valley South is the closest treatment unit, approximately 1.7 miles north of the ACEC. Implementation of the Proposed Action would have no effect on Carson wandering skipper.
Threatened or Endangered Species (Plants)	N	N	Designated critical habitat for Webber's ivesia occurs outside the Planning and Project areas. Fort Sage is the closest treatment unit, approximately 3.2 miles northeast of the critical habitat. Implementation of the Proposed Action would have no effect on Webber's ivesia. If new populations of Webber's ivesia are mapped in the Planning Area during the life of this Project, such populations would be avoided during implementation (see Section 2.1.1.4).
Wastes, Hazardous or Solid	Y	Y	Best management practices described in SOPs of the IWMP (Appendix A) would be implemented to minimize potential accidental spills during the application of herbicides, which is hereby incorporated by reference.
Water Quality (Surface/Ground)	Y	Y	The application of herbicides has a potential to effect water quality. This resource was analyzed in the IWMP, pages 28-29 and 57-61, which is hereby incorporated by reference.
Wetlands/Riparian Zones	Y	Y	Carried forward for analysis.
Wild and Scenic Rivers	N	N	Resource not present.
Wilderness/WSA	N	N	Resource not present.

\*See H-1790-1 (January 2008) Appendix 1 Supplemental Authorities to be Considered.

Supplemental Authorities determined to be Not Present or Present/Not Affected need not be carried forward or discussed further in the document.

Supplemental Authorities determined to be Present/May Be Affected may be carried forward in the document.

**Table 2. Resources or Uses Other Than Supplemental Authorities.**

<b>Resource or Issue*</b>	<b>May be Present Yes/No</b>	<b>May be Affected Yes/No</b>	<b>Rationale</b>
BLM Sensitive Species (Animals)	Y	Y	Carried forward for analysis.
BLM Sensitive Species (Plants)	Y	Y	Carried forward for analysis.
Fire Management/Vegetation	Y	Y	Carried forward for analysis.
Forest Resources	Y	Y	Carried forward for analysis.
General Wildlife	Y	Y	Carried forward for analysis.
Human Health and Safety	Y	Y	The application of herbicides has a potential to effect human health and safety. This resource was analyzed in the IWMP, pages 37-48 and 88-92, which is hereby incorporated by reference.
Lands and Realty	Y	N	Although right-of-ways are present in the Planning Area, the Proposed Action would have no effect to these authorizations and activities.
Lands with Wilderness Characteristics	Y	Y	Carried forward for analysis.
Livestock Grazing	Y	Y	Carried forward for analysis.
Minerals	Y	N	Although mining claims are present in the Planning Area, none of the alternatives would affect any on-going exploration activities.
Paleontological	Y	N	Although paleontological resources may be present in the Planning Area, the Proposed Action does not include surface-disturbing activities that would expose or adversely affect the resources, if present.
Recreation	Y	N	Although dispersed recreation is present in the Planning Area, none of the alternatives would affect recreational activities.
Socioeconomics	Y	Y	Carried forward for analysis.
Soils	Y	Y	The application of herbicides has a potential to effect soils. This resource was analyzed in the IWMP, pages 38-40 and 72-77, which is hereby incorporated by reference.
Travel Management	Y	N	Although dispersed recreation is present in the Planning Area, none of the alternatives would affect public access.
Vegetation	Y	Y	Carried forward for analysis.
Visual Resource Management	Y	Y	Carried forward for analysis.
Wild Horses and Burros	Y	Y	Carried forward for analysis.

\*Resources or uses determined to be Not Present or Present/Not Affected need not be carried forward or discussed further in the document.

Resources or uses determined to be Present/May Be Affected may be carried forward in the document.

## **4.0 PUBLIC INVOLVEMENT**

### **STEP 5. PUBLIC SCOPING**

Scoping serves three primary purposes:

1. Provide the public with an early opportunity to identify issues with the proposal; and
2. Provide the opportunity for the public to provide the BLM suggested mitigation measures for the proposal; and
3. Provide the public with an early opportunity to provide alternatives to a proposal.

Some NEPA projects may require public scoping, check with the Planning & Environmental Specialist (P&ES).

### **STEP 6. PUBLIC REVIEW DRAFT DOCUMENTS**

EAs may be made available for public review and comment for 15 or 30-days. In many cases the third-party contractor will be responsible for developing and/or maintaining a mailing list that will be used during public review. Public workshops or presentations at County Commission meetings or other forums may also occur during the public scoping and/or public review processes.

A draft FONSI may also be made available for review and comment. Check with the P&ES.

The PDO has implemented a centralized database of NEPA documents called “ePlanning.” EAs will be uploaded into ePlanning in PDF format.

## 5.0 DOCUMENT FORMAT

Neither the BLM NEPA Handbook or the CEQ regulations set a standardized format for EAs.

Formatting guidelines for the PDO include:

- Original documents are to be prepared using Microsoft Word;
- Text size: minimum 12 point (except tables which can be 10 point);
- Do not use special characters such as “%”, spell it out;
- Use English measurements (if metrics is necessary, state the English measurement then the metrics in italics);
- Use Times New Roman etc. with the style set at full justification – use a consistent font and style throughout the document;
- Documents prepared for posting on the BLM’s ePlanning website will be in PDF format and Section 508 compliant.

## **6.0 MAPS/FIGURES**

GIS-based maps/figures must meet the following requirements:

- Must be prepared in ArcMap version 10.3.1;
- Publication-ready maps/figures must be 508 compliant.
- Do not embed the maps/figures in the EA document itself;
- Maps/figures must be on imagery with BLM land status (transparency at 60%); and
- Maps/figures must be 11 X 17 inches in size.

Maps/figures must contain the following, at a minimum:

- BLM logo;
- BLM warranty disclaimer statement;
- North arrow; and
- Map scale.

## 7.0 TERMINOLOGY & STYLE

**Titles** of the EA itself:

- The internal review version(s) of the EA would be labeled as “Administrative Draft Environmental Assessment”;
- The public review version of the EA would be labeled as “Draft Environmental Assessment”; and
- The final version of the EA would be labeled as “Final Environmental Assessment.” This is the version the Finding of No Significant Impact and Decision Record will be based on.

There are many versions of writing styles, the PDO “style” is to:

- Not to capitalize federal and to capitalize State when referring to a government entity etc. not a “state of a person’s mind”;
- To capitalize Proposed Action;
- Avoid use of personal pronouns such as “it” “us” or “they” etc.;
- Use “would” rather than “will” and “could” rather than “can”;
- Do not use the word “significant” unless used in the context of 40 CFR 1508.27; and
- Use the words “impact” and “effect” synonymously.

When describing **detrimental effects**:

- Use “adverse” for effects that are minor, detrimental impacts (non-significant); and
- Use “Negligible” for effects that are minor, detrimental impacts which are likely undetectable (non-significant).

When using **scientific names**:

- The first time in the document that a common name for an animal or plant is used, also include the scientific name in italics. “The Project area includes habitat for the mule deer (*Odocoileus hemionus*). The Project area is a key migration corridor for mule deer.”

When **citing personal references**:

- The text may be written and referenced as follows: “Raptors have not been observed nesting in the Project area (Pers. Comm. NDOW 2014).” The reference would then be written as: “Nevada Department of Wildlife (NDOW). 2014. Personal communication with Mark Freese, Supervisory Wildlife Biologist. March 14, 2014. Carson City, Nevada.”

## 8.0 EA OUTLINE

Cover Page

Table of Contents

- I. Introduction<sup>1</sup>
  - Purpose and Need<sup>2</sup>
  - Scoping and Issues Identification
  - Decision to be Made
  - Land Use Plan Conformance Statement
  - Relationship to Statutes, Regulations and Other Plans
- II. Proposed Action and Alternatives<sup>3,4</sup>, including Alternatives Considered but Eliminated From Detailed Analysis
- III. Affected Environment
- IV. Environmental Consequences<sup>5, 6</sup>
- V. Cumulative Effects, analysis must include the following elements:
  - a. Definitions
  - b. Geographic Scope<sup>7</sup>
  - c. Timeframe of Effects
  - d. Past Actions
  - e. Present Actions
  - f. Reasonably Foreseeable Actions
  - g. Effects analysis for each resource
- VI. Persons, Groups and Agencies Consulted
  - List of Preparers
- VII. References

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<sup>1</sup> Including whether there are any “connected actions” and their relationship to BLM decision-making. See Section 8.0.

<sup>2</sup> See Section 8.0.

<sup>3</sup> A “reasonable” alternative must be technically and economically feasible.

<sup>4</sup> Evaluation of alternatives must be substantially similar.

<sup>5</sup> Must include definitions of effects thresholds, methodology and assumptions.

<sup>6</sup> Affected Environment, Environmental Consequences may be combined into one chapter.

<sup>7</sup> Geographic area/setting may vary depending on the resource.

## 9.0 DEFINING THE PURPOSE AND NEED

One of the key issues with writing EAs is to properly frame the purpose and need statement. Here are a couple examples:

- An organization submits to PDO a Special Recreation Permit application for a motorcycle race on BLM-managed lands. The purpose and need is not the race itself. BLM's purpose and need in this case would be to decide whether to issue a permit that would allow the event to take place on BLM-managed lands.

Writing the purpose and need statement can be especially tricky for joint agency EA's.

- For example, a highway project funded in part by the Federal Highway Administration, that crosses BLM-managed lands would have two distinct purpose and need statements: 1. FHWA's statement would relate to providing the funds to design or construct the highway; and 2. the BLM's statement would be whether to issue a right-of-way authorization under the Federal Land Management Policy Act to construct a highway across BLM-managed lands.

It should be noted that if you are preparing an EA for multiple agencies, and the BLM is not the federal lead agency, that you must also state that the BLM must determine that the EA is sufficient, and would adopt the EA in its Finding of No Significant Impact.



## 10.0 DEFINING ANY CONNECTED ACTIONS

Under NEPA, federal agencies must consider “connected actions” in their analysis of the Proposed Action. “Connected action” means that the actions are closely related, and therefore, should be discussed in the same environmental 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;
- Are independent parts of a larger action and depend on the larger action for their justification (40 CFR 1508.25 (a)(i, ii, iii)).

Although the EA would address the non-federal connected action in the NEPA analysis where applicable to the cumulative effects related to the Proposed Action, the NEPA process is focused on agency decision making [granting the ROW etc.] (40 CFR 1500.1(c), 40 CFR 1508.18, 40 CFR 1508.23, BLM 2008).

## 11.0 ADMININSTRATIVE RECORD

The Administrative Record (AR) is the paper trail that documents the BLM's decision-making process and the basis for the BLM's decision. The AR establishes that the BLM complied with relevant statutory, regulatory and agency requirements, and demonstrates that the agency followed a reasoned decision-making process. Under the Administrative Procedures Act (APA), a federal agency may be subject for judicial review for up to six years after issuing a decision.

A third-party contractors preparing an EA for a BLM project may be required to prepare, maintain, and submit a complete AR to the BLM upon completion of the Final Environmental Assessment.

Below is a sample of a Table of Contents for an AR.

**Case Name**  
**IBLA Docket Number**  
**Administrative Record Index**

<b>Number</b>	<b>Date</b>	<b>Description</b>	<b>No. of Pages</b>
1	6/15/2014	Notice of Appeal	2
2	5/13/2014	Final Grazing Decision	15
3	1/23/2004	Letter from BLM to Allotment Permittee	2
4	9/27/2001	Letter from Allotment Permittee to BLM	2

## 12.0 INTERNAL REVIEWS

During the preparation of the EA, at a minimum, PDO staff will review and comment on the document at least once.

The typical review stages for an EA are the following:

- Chapter 1 and 2 will be reviewed by the program lead and P&ES;
- Comments from the BLM will be submitted to the consultant;
- Revised Chapter 1 and 2, along with Chapter 3 through the end of the document will be reviewed by the BLM IDT members that has an affected resource(s); and
- Comments from the BLM will be submitted to the consultant.

Concurrent review by the applicant would occur at the same time the BLM completes its review. Applicant comments would be submitted to the BLM and if accepted by the BLM, incorporated along with BLM comments and sent to the consultant for EA revisions.

To facilitate this process you should:

- Provide a version of the EA in PDF with any accompanying maps, figures, photos etc.;
- The EA shall have line numbering so that specialists can provide specific word/sentence oriented comments;
- The BLM will provide comments using a comment and response form, which may contain comments from one specialist or a combination of specialists;
- You will be required by PDO to provide responses for each comment. The comment form should be returned to the PDO project lead at the same time the next version of the EA is ready for review and is updated with changes based on comments etc.;
- The comment and response form must be added to the project file/administrative record; and
- An example of a comment/response form is below.

Cmt #	Page #	Line #	BLM Commentor	Comment	Response
1.	4	26	Smith	Typo. Change “tho” to “the”	Change made.
2.	17	1	Jones	The scientific name is “ <i>bromus tectorum</i> ”	Inserted text.
3.	45	50	Andersen	Please clarify the phrase “...to the left of the communication tower...” To the west?	Clarified “north” of the communication tower.
4.	46	2	Elders	Confirm that the species is ‘threatened’ and not ‘endangered.’	Rechecked, species is listed as threatened.
5.					
6.					
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