

Endnotes

¹ This policy will be implemented across the BLM as described above. Certain parts of this policy, however, will not apply to the National Petroleum Reserve Alaska (NPR-A) because the BLM manages that area under some statutory authorities, such as the Naval Petroleum Reserves Production Act of 1976, 42 U.S.C. 6501 et seq., that apply only to that area. The Alaska State Office's plan for implementing this policy will identify those parts of the policy that will not apply to leasing in the NPR-A.

² The external boundary of an NFS unit is defined as the outer boundary of an area encompassing all the National Forest System lands administered by a single administrative unit. The area often encompasses private lands and other governmental agency lands.

³ The term expression of interest also includes Pre-sale Offers.

⁴ Stipulations for protection of identical resource values may differ if such variance is substantiated by ecological, cultural, or other resource-specific factors that are scientifically validated (e.g., all mule deer winter habitat timing limitation stipulations in a state should be worded similarly unless there are, for example, ecological reasons for varying the effective seasonal closure date of the stipulation across the field office or state).

⁵ Adaptive Management: The U.S. Department of the Interior Technical Guide Adaptive Management Working Group, U.S. Department of the Interior, Washington, DC. See also the Department of the Interior regulations regarding implementation of NEPA at 43 CFR 46.145, as well as associated guidance issued by the Department's Office of Environmental Policy and Compliance.

⁶ WO-IM-2008-032 provides guidance for (1) incorporating exception, waiver, and modification criteria into a land use plan; (2) making changes to leasing decisions/stipulations in the land use plan; and (3) reviewing and approving lease stipulation exceptions, waivers, and modifications for leases that have already been issued.

⁷ See 43 CFR 1610.5-3(b) ("the field manager shall take appropriate measures, subject to valid existing rights, to make operations and activities under existing permits [and] contracts, ... conform to the approved plan or amendment within a reasonable period of time.")

⁸ Eligible lands include those identified in 43 CFR 3120.1-1 as being available for leasing (BLM Manual 3120, Competitive Leases). They are considered available for leasing when all statutory requirements have been met, including compliance with the NEPA, appropriate reviews have been conducted, and lands have been allocated for leasing in the RMP (BLM Handbook H-3101-1, Issuance of Leases).

⁹ This consideration is a policy decision that is not dependent upon the economic values that may be assigned to competing resources.

¹⁰ The process for internal and external coordination outlined in this IM is in addition to the direction under the existing regulations, handbooks, and desk guide that require consultation, coordination, and cooperation with other Federal agencies, Tribal governments, and state and local governments for all BLM planning and NEPA efforts from initiation of the land use plan through the planning, leasing, and permitting decisions, as appropriate (43 CFR 1610.3-1; 43 CFR 46.155; BLM Land Use Planning Handbook H-1601-1 I.E; BLM NEPA Handbook H-1790-1 Chapter 12; BLM Desk Guide to Cooperating Agency Relationships 2005).

¹¹ In addition to the notification sent to surface owners, as required in WO-IM-2009-184, *Courtesy Notification of Surface Owners When Split-Estate Lands are Included in an Oil and Gas Notice of Competitive Lease Sale* (July 24, 2009), incorporated by reference into this IM, the state or field office will also invite affected split estate surface owners to comment during the 30-day public review and comment period for the Environmental Assessment and unsigned Finding of No Significant Impact.

¹² This requirement does not apply to split estate lands within NFS units if leasing decisions for such lands are analyzed in documentation prepared jointly by the FS and the BLM for lands within the external boundaries of NFS units.

¹³ The NEPA document to which the DNA refers must contain sufficient detail to address the potential direct, indirect, and cumulative effects of the proposed action(s). Consideration must be given to new information, new or revised program-specific guidance, and new or revised lease stipulations contemplated for the lease parcel that may or may not be analyzed in the existing NEPA document.