

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Arizona State Office
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In Reply Refer To:
1220/1601/1791 (9300/9540) P

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Instruction Memorandum No. AZ-2010-002
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Expired

To: Field Offices
From: State Director
Subject: Guidance on Compiling a Decision File/Administrative Record

Purpose: This Instruction Memorandum (IM) provides guidance on maintaining official files relating to actions that require an Environmental Impact Statement (EIS) in Arizona offices of the Bureau of Land Management (BLM).

Policy/Action: At the onset of any action that will result in an EIS, an official BLM Decision File/Administrative Record shall be created following the basic format shown in the attached File Plan (Attachment 1). Customized File Plans should be created to blend existing filing requirements for specific actions (such as realty actions) that have file procedures established by existing policy with the EIS-related records generated to supplement the base action. Not all types of actions will require all Sub-Sections listed, just as some types of actions may require additional Sub-Sections that are not listed. The attached File Plan is a basic guide to follow when creating a File Plan for the specific process being undertaken.

It is crucial that the Decision File/Administrative Record file be maintained and kept current throughout the entire EIS process. Records should be placed in the file as soon as they are created or obtained in order to document the steps taken and the rationale used to arrive at a final decision. A properly maintained Decision File will automatically become the Administrative Record and provide the basis to defend the BLM decision in any subsequent appeals or litigation actions.

Attachment 2 shows how to label the files and gives instructions for placing records within each file folder. Attachment 3 is Arizona Form AZ-1220-11 – *Decision File/Administrative Record Document Index*, to use in listing the documents contained within each file folder.

Timeframe: This policy is effective immediately.

Background: Consistency among Arizona Field Offices is required when compiling records relating to an EIS process and the resulting decision to ensure that the decision records seamlessly flow into an Administrative Record when required for litigation. The pending decision process relating to an EIS for the proposed mineral withdrawal action in the Arizona Strip District and Kaibab National Forest recently brought attention to this need. A review of the BLM Manual Handbooks H-1601-1 – *Land Use Planning Handbook* and H-1790-1 – *National Environmental Policy Act (NEPA)* revealed the necessity for more specific guidance for Decision Files/Administrative Records created within BLM Arizona.

Manual/Handbook Sections Affected: BLM Manual H-1601-1 and H-1791-1 Handbooks.

Coordination: This IM was coordinated with the State Records Administrator/Freedom of Information Act (FOIA)/Privacy Specialist, the State Litigation Coordinator, the State Planning Program Lead, and the Project Manager for the proposed mineral withdrawal action referenced above.

Contact: For questions related to Records and File Plans, contact Toni Klimek, State Records Administrator, at 602-417-9364; for questions related to Litigation, contact Linda Garrison, State Litigation Coordinator, at 602-417-9542.

Signed by:
Helen M. Hankins
FOR James G. Kenna
State Director

Authenticated by:
Margaret Walker
Division Staff Assistant

3 Attachments:

- 1 - [BLM Arizona File Plan, Official Records for Actions Requiring an EIS](#) (3 pp)
- 2 - [Decision File/Administrative Record Labeling and Filing Instructions](#) (2 pp)
- 3 - [Form AZ-1220-11 — Decision File/Administrative Record Document Index](#) (1 p)

BLM-Arizona File Plan
Official Records for Actions Requiring an EIS
(Decision File/Administrative Record)

Use as a general guide when creating Decision Files/Administrative Records for actions that include an Environmental Impact Statement (EIS). Modify File Plan to meet the needs of individual projects/actions. Note: Sub-sections that apply only to Resource Management Plan (RMP) EISs are identified in parenthesis.

PUBLIC File Folders:

A. General Information

1. *Federal Register* Notices
2. Preparation Plans (RMP/EISs Only)
3. Identifying Issues, Concerns, Action or Project to be Addressed
4. Criteria
5. Participants - Interdisciplinary Team (IDT) Membership
6. Process/Schedule
7. Contract Information (if the EIS is contracted)
8. Related Memorandum of Understanding (MOU), Data Share Agreement (DSA), etc.

B. Public Information and Involvement – Includes EIS Documents

1. Public Involvement Plans
2. Public Information Documents, Letters, E-mails, Notices
3. News Reports, New Releases, and Clippings
4. General Correspondence¹
5. Public Meetings and Workshop Records (attendance lists, announcements, handouts, *official* minutes)
6. Scoping
 - a. Solicitation (include required language re: Personally Identifiable Information)
 - b. Public Comments Received
 - c. BLM Scoping Report and/or Response to Comments
7. Prior to Draft EIS
 - a. Solicitation (include required language re: Personally Identifiable Information)
 - b. Public Comments Received
 - c. BLM Response to Comments
8. Draft EIS Document
 - a. Solicitation (include required language re: Personally Identifiable Information)
 - b. Public Comments Received
 - c. BLM Response to Comments
9. Final EIS Document
 - a. Protests Received and BLM Responses (if any)
10. Governor's Consistency Review Comments/Response (if any) (RMP/EISs Only)
11. Record of Decision (ROD)
12. Appeals and Responses (when applicable)

¹ May contain Personally Identifiable Information (PII) such as an Individual's home address, phone number, e-mail address; these may need to be "sanitized" for the public file. Consult with office FOIA Specialist.

BLM-Arizona File Plan
Official Records for Actions Requiring an EIS
(Decision File/Administrative Record)

C. External Communications Between BLM & Others

1. Other Federal (Non-DOI) Agencies
2. State and Local Agencies
3. All Cooperating Agencies
4. Tribes
5. Elected Officials (i.e., Congressional, Governor, County Commissioners, etc.)
6. Organizations
7. Individuals¹

D. Background Materials/Supporting Information

1. Reports, Assessments, or Information provided from/by Outside Sources (i.e., Biological Opinions, Environmental Scenarios, etc.)
2. BLM Reports, Assessments (i.e., Biological Assessments, Mineral Reports, ACEC Report, etc.)
3. Data – Must conform to Data Standards and include Metadata
 - a. BLM Data (i.e., summaries of monitoring compiled in a database, etc.)
 - b. Data from outside sources
4. References (include copies of relevant pages referenced in the EIS)
5. Analysis of Alternatives, Environmental Consequences
6. National Historical Preservation Act Sec. 106 Consultation and Compliance Documents

INTERNAL File Folders²

E. Analysis Documents

1. Scoping Analysis Report
2. Analysis of Management Situation (RMP/EISs Only)
3. ID Team Documents
 - a. Analysis/Internal Reviews
 - b. Internal Meeting Agendas and Notes/Minutes

F. Internal DOI Correspondence/Communications

1. Project Management Correspondence
2. ID Team Correspondence
3. Quality Assurance Determination (unless *significant changes to content* are made, editorial changes can be destroyed; they do not need to be kept for the record.)

¹ May contain PII such as home address, phone number, e-mail address, etc.; may need to be "sanitized" for public file. Consult with office FOIA Specialist.

² Requires FOIA request to view, review, or obtain copies from these files.

BLM-Arizona File Plan
Official Records for Actions Requiring an EIS
(Decision File/Administrative Record)

4. Internal E-mails and Memorandums to other BLM employees or Managers exchanging ideas or opinions.
5. Correspondence Between BLM and Other DOI Agencies/Cooperating Agencies³

G. Confidential/Proprietary or Exempt Documents

1. Mailing Lists (FOIA Exemption 6)
2. Correspondence containing Individuals' PII (FOIA Exemption 6)
3. Financial Information about an Individual or Business (FOIA Exemptions 4 and 6)
4. Cultural Resources Reports and Maps (FOIA Exemption 3)
5. Locations of Certain* Endangered Species (*only species that also reside in an Arizona area managed by the National Park Service – FOIA Exemption 3)
6. Trade Secrets or Business Proprietary Information identified by the submitting business as "Confidential" (FOIA Exemption 4)
7. Consultations with Field Solicitor; Attorney-Client and Attorney Work-Product Privileged Records (FOIA Exemption 5)

³ May contain opinions that are protected by the Deliberative Process Privilege of FOIA Exemption 5.

BLM-Arizona
Official Records for Planning Projects
(Decision File/Administrative Record)

Instructions to set-up official Decision Files/Administrative Records; including: labels, filing instructions, and creation of a Document Index form.

A. File Folders

- Use 8½" x 11" accordion file folder(s). Note: Main file categories may require multiple file folders.
- For Example: Category "B. Public Information and Involvement" has 11 Sub-Sections, so more than one accordion file folder may be needed.

B. Labels

- Label each file on the front and back tabs of the file folder with the File Plan Category that describes the records in that folder.
- For Example: The label for Folder 1 is titled: "A. General Information (PUBLIC)"

AZA 365138 <u>A. General Information</u> PUBLIC

- Within "A. General Information" place File Dividers labeled with each Sub-Section of that Category.
- For Example: "A.1. *Federal Register* Notices"

AZA 375139 <u>A.1. <i>Federal Register</i> Notices</u>
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NOTE: Not all projects will require all Sub-Sections listed in the File Plan, while others will require additional Sub-Sections; customize the File Plan to suit specific needs.

C. Filing Instructions

- File records in chronological date order, building the file forward (latest date in front).
 - For Example: Start with the oldest in the back, placing newer records in front.
- Place single copy of record into most relevant Sub-Section – Do not cross-file multiple copies into more than one Sub-Section.

- For Example: A transmittal letter, sending a report from an outside source, would not be filed in "Category C. External Communications" and also be cross-filed in "Category D. Background/Supporting Information." The most relevant information in that record is the attached report, so it would only be filed in Category D.

D. Document Index, Form AZ-1220-11

- Each file folder must contain a Document Index, Form AZ-1220-11, listing all records within that file folder.
- Offices can either fill-in the Document Index as records are added to the file, or can assign someone to periodically update the Document Index.
 - It is strongly recommended that the Document Index be updated weekly to avoid a burdensome task at the end of the project, particularly if the case ends up in appeal or litigation.
 - An example follows:

**Bureau of Land Management
Arizona State Office
Decision File/Administrative Record
DOCUMENT INDEX (SAMPLE)**

PROJECT NAME: Proposed Mineral Withdrawal **File Number:** AZA 365138

Office Name: AZ Strip DO **Contact:** Ima Recordkeeper **Phone:** 435-688-3200

File Plan Category: F. Internal Correspondence **Sub-Section:** 1. Project Mgmt Correspondence

Document Date	Description	# of Pages	Identify if Confidential/ Proprietary/PII/Privileged/ Exempt Information	Comments
10/29/2009	E-mail message to ID Team with proposed meeting schedule.	3		
10/30/2009	E-mail message string with various specialists' opinions on topics for meeting.	12	Internal deliberations (Ex. 5)	Candid discussion, disagreeing opinions
10/30/2009	Memo to Field Solicitor's Office to obtain advice on how to resolve differences.	2	Attorney-Client Privileged (Ex. 5)	

NOTE: Form AZ-1220-11 is available in the Central Files link on the Arizona webpage.

