

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
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In Reply Refer To:
1600 (CO-910) P

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EMS TRANSMISSION 03/05/2012
Instruction Memorandum No. CO-2012-016
Expires: 09/30/2013

To: District Managers; Field Managers; Deputy State Director, Energy, Lands and Minerals; Deputy State Director, Resources and Fire Management; and Office of Communications
Attn: Planning and Environmental Coordinator Staff

From: State Director

Subject: Clarification of the Public Comment Process for Environmental Assessments (EAs) and the Related Maintenance of the Bureau of Land Management (BLM) Colorado (CO) Field Office Planning – National Environmental Policy Act (NEPA) Websites

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

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 Website, including the NEPA Logs.

The authority is 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 Website.

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, District Office, or State Office Planning and Environmental Coordinators.

BLM Planning – NEPA Website: The BLM Field Office “Planning-NEPA” Websites, 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 Websites 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 timeframes.) An unsigned EA-FONSI that meets this criterion, for example, should be posted on the Field Office’s Planning-NEPA Website 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 Website. (This does not preclude other avenues for Field Offices to make the public aware of formal comments 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 Website has been updated. The Website 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.)

Timeframe: This IM is effective immediately.

Budget Impact: 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 impact 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 Website as one tool to help meet that objective.

Directives Affected: The NEPA Handbook, H-1790-I, and the Land Use Planning Handbook, H-1610-1.

Coordination: This IM was coordinated between the BLM CO State Director, Deputy State Director for Resources & Fire Management, and the Branch of Planning and Assessment.

Contact: Direct any questions regarding this guidance to Megan Stouffer, Acting Planning and Assessment Branch Chief, at (303) 239-3936, or email at mastouff@blm.gov.

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