



United States Department of the Interior

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To: DMs, FMs and DSDs-Minerals and Lands and Resources
Attention: Planning and Environmental Coordinators

From: State Director

Subject: Clarification of the Bureau of Land Management (BLM) New Mexico (NM) State Office Review and Briefing Process for National Environmental Policy Act (NEPA) Documents

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

Purpose: Clarify District Office/Field Office guidance on submitting NEPA documents for review to the BLM NM State Office and on procedures for scheduling briefings for both the BLM NM State Director and Washington Office.

Policy/Action: The following outlines the process for having NEPA documents reviewed and approved by the NM State Office. State Office review provides oversight and additional guidance on controversial issues and policy matters. The State Program Leads are available to assist during the development of all documents but are required to review certain levels of NEPA documents to ensure Statewide consistency.

Additionally, these NEPA documents may necessitate briefings for both the State Director and Washington Office. This guidance identifies the procedures for scheduling briefings and the requirements to be met during these briefings.

Documents to be reviewed by the NM State Office: All of the following documents are required to go through the review process outlined below:

- Draft and Final Environmental Impact Statements (EISs)
- Resource Management Plans (RMPs)

- RMP Amendments
- Controversial Environmental Assessments (EAs) (To be determined by the State Planning and Environmental Coordinators (P&ECs) in coordination with the Program Leads)

Field Office P&ECs and/or Project Leads should notify either the State P&EC and/or Program Lead when there is the possibility of a controversial EA, and they will use discretion on which documents require their review. Controversial EAs include those documents that are considered borderline cases for preparation of an Environmental Impact Statement (EIS) (e.g., when only through mitigation can significant effects be avoided). The EAs that involve an unusual case, a new kind of action, or a precedent setting case should also be considered for review. Additionally, those EAs whose effects reflect a level of public or scientific controversy should be offered for review. Any of these qualifications also require that an EA and unsigned findings of no significant impact are made available for public comment (40 CFR 1501.4(e)(2)).

Process for NM State Office Review of NEPA Documents

Submitting Documents for Review: Field Office P&ECs or Project Leads will notify the State Office P&EC of upcoming reviews in a timely manner in order to facilitate an efficient State Office review process. The State Office P&EC will notify the Project Leads and State Office leadership of documents that are coming for review in advance to allow for workload planning.

Documents submitted to the State Office for review will be in the most complete form possible. The documents should include all chapters and sections complete including associated maps and appendices. Documents will not be accepted if it is found that required inventories and analysis are not complete. This includes wilderness characteristics, visual resources, and cultural surveys/inventories, among others.

Documents will be submitted electronically through the NM Sharepoint Portal in order to allow Statewide access to the document. In some cases, hard copies will be requested for review.

The time scheduled for review will be negotiated between the Field Office and the State Office depending on the size and complexity of the document. A typical review period for RMPs and EISs is 3 weeks. Smaller documents such as EAs may not require review by the entire State Office Program Staff and may be reduced to 1 week.

Comment Forms: Comments from the State Office Program Leads will be recorded using the comment form found in Attachment 1. The comment form allows comments to be better organized and reduces the complication of multiple documents with track changes. Additionally, the comment form allows the staff to identify how comments were addressed. Comments will be consolidated by the State Office P&EC and sent to the Field Planner or Project Lead.

The Field Office is responsible for returning the comment form with the responses fully documented.

Responses must indicate the comment led to a change in the document, briefly specifying how the document was changed, or provide an explanation as to why a change to the document based on the comment is not warranted.

Completed comment forms, along with a new version of the document with the changes incorporated, will be sent back to the State Office to review how their comments were addressed. Project Leads and Field Office P&ECs will work with the State Office P&EC to determine a due date on the comment response table and new draft versions. State Office Program Leads will typically have a week to review the comment response and will contact the Field Office Project Lead or specialists with remaining concerns. Remaining concerns will attempt to be addressed without additional full-scale reviews or repeated draft versions.

Regional Solicitor Review: In most cases, the Regional Solicitors are able to review the BLM NEPA documents simultaneously with the State Office, although there may be exceptions due to workload constraints. Regional Solicitor review of the documents meeting the criteria above must be officially requested by the State Office. The Regional Solicitors will be encouraged to use the same comment form as the State Office. Responses to the Solicitor's comments will be reviewed and approved by the State Office before being returned to the Solicitors.

Pre-Washington Office Review: For those documents requiring Washington Office review, the State Office gives final approval on draft documents before they are sent up. State Office approval may involve a briefing for the State Director and/or other leadership. Additionally, the State P&EC will ensure that all remaining concerns from the State Office Program Leads are addressed. Upon approval by the State Office, it is the responsibility of the Field Office to send the documents to the appropriate Washington Offices. Documents and responses to comments should not be sent to the Washington Office without State Office approval.

Post-Washington Office and Solicitor Review: The State Office will work closely with the Field Office to address all comments received from the Washington Office. Comments should be in the comment form and will require the same level of response. The Field Office will incorporate comments to create a final version of the document. The State Office and the Field Office are jointly responsible for the responses to comments and the final document; therefore, the State Office will send the official responses to the Washington Office. The Field Office will work through the State Office to resolve any concerns with Washington Office comments. In some cases, the Washington Office may require additional review of the document depending on the comments and remaining issues.

Informal Assistance and Review of NEPA Documents

The State Office Program Leads, including the State Office P&EC, are also available to review NEPA documents informally, as necessary. This may involve review of certain sections or issues prior to official review. Sections of the NEPA document that might be considered for informal review include, but are not limited to, the Purpose and Need, Alternatives, Alternatives Considered but Dismissed, and Cumulative Effects. Additionally, complex or controversial issues such as climate change, air quality, special status species, and mineral development may

also benefit from discussion with the State Office Program Leads in advance of the formal State Office review.

Field Offices should take advantage of the support available from the State Office Program Leads early in the process. This could include inviting them to scoping and interdisciplinary team meetings and/or including them in alternatives development.

Procedures for Briefings: Documents that have required State Office review are also required to include a State Director briefing on the project. Briefings for the State Director on NEPA documents should be scheduled through the State Office P&EC and/or the Deputy State Director, Lands and Resources in order to make sure that the appropriate Program Leads are represented in the briefing.

Briefings should highlight the major issues associated with the project and the alternatives in the NEPA document. Field Offices should be prepared to answer questions from State leadership and Program Leads during the briefing. Briefing materials can include PowerPoint presentations, Geographic Information System presentations, maps, briefing papers, etc. Content of the presentation should be coordinated with the State Office P&EC prior to the briefing.

Briefings on NEPA documents for any BLM or Department of the Interior office in Washington should be coordinated and scheduled by the State Office P&EC. All briefing materials intended for use will be carefully reviewed by the State Office P&EC before the briefing. It may be required that State Leadership also attend these briefings.

Budget Impacts: This Instruction Memorandum clarifies the process for NM State Office review and concurrence of NEPA documents in accordance with existing policy. Therefore, budget impacts should be nominal.

Background: The purpose of this guidance is to clarify the protocols to be followed by Field and District Offices to obtain NM State Office review and approval of NEPA documents. This includes obtaining comments and providing responses from the Program Leads and other State Office staff on the content and analysis of NEPA documents. In the past, NM State Office review processes have been inconsistent resulting in confusion on procedures for State Office approval.

Manual Sections Affected: None.

Coordination: This Instruction Memorandum was circulated in draft form to the Field Office P&ECs and the Deputy State Directors, Minerals and Lands and Resources.

Contact: Direct any questions regarding this guidance to Megan Stouffer, State P&EC, at 505-954-2181, or e-mail at megan_stouffer@blm.gov.

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1 Attachment:
1 - Comment Response Table (1 p)

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