



United States Department of the Interior



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In Reply Refer To:
1790 (NV910) P

Instruction Memorandum No. NV-2024-019
Expires: 9/30/2027

To: All BLM Nevada Employees

From: Jon K. Raby, State Director

Subject: Updated Project Management Process for all External Bureau of Land Management, Nevada National Environmental Policy Act Projects

Program Area:

All applicable Bureau of Land Management, Nevada (BLM NV) program areas for projects requiring National Environmental Policy Act (NEPA).

Purpose:

The purpose of this Instruction Memorandum (IM) is to:

1. Outline the BLM NV NEPA project management process with greater clarity.
2. Incorporate improvements learned over time.
3. Include changes to the Council of Environmental Quality's (CEQ) NEPA regulations Phase 2, which incorporated the 2023 Fiscal Responsibility Act (FRA) (Public Law 118-5 Section 107(f)) changes to NEPA.

Administrative or Mission-Related:

Mission-Related.

Background:

In previous years, BLM NV initiated the NEPA process prior to collecting baseline data and refining applications, plans of operation, or plans of development. This method resulted in lengthy NEPA analyses often lasting years. In response, BLM NV created efficiencies in by implementing a robust "pre-NEPA" process. This process includes completing the following steps *prior to initiating NEPA*:

1. Collection of all baseline data,
2. Refinement of applications, plans of operation, and plans of development,
3. Drafting of the Supplemental Information Report (SIR) and Supplemental Environmental Reports (SERs)

Since BLM NV implemented this process in NV IM 2023-003 Change 1, project outcomes improved and NEPA timelines shortened. Over time, BLM NV further improved, refined, and clarified its process which is published in this updated IM (BLM NV IM 2024-019).

Additionally, BLM NV (and other states) permitted project proponents to prepare their own Environmental Assessment (EA) level NEPA documents for some time. The Fiscal Responsibility Act of 2023 codified this process for EAs and extended it to Environmental Impact Statements (EISs). While BLM NV employs an efficient process for EISs that fully engages the proponent, the specific process for proponent's completing their own EISs within BLM NV will be formulated after NEPA procedures are developed by the Department of the Interior and approved by the CEQ. At such time, BLM NV will publish a revised IM with statewide, step-down guidance and direction.

Policy/Action:

A. Updated Policies: This IM replaces the section in BLM NV IM 2023-003 Change 1, *Updated Process for the Department of the Interior (DOI) and Bureau of Land Management (BLM) Directorate Briefings and Reviews of National Environmental Policy Act (NEPA) Documents and BLM Nevada Protocol for Streamlined Project Management for Environmental Impact Statements and Environmental Assessments* pertaining to the BLM Nevada Protocol for Streamlined Project Management for Environmental Impact Statements and Environmental Assessments.

This IM:

1. Provides direction to *all* District Offices (DOs), Field Offices (FOs) in Nevada, and the State Office (NVS0) in Nevada, to ensure consistent and efficient application of processes leading to sound, well informed, durable decisions on Public Lands managed by BLM NV.
2. Satisfies the intent of the Energy Act of 2020 requiring the Secretary of the Interior to establish and implement improvements in Federal permit coordination and the Interagency Working Group report on mining reform which recommended the BLM NV mine permitting process as the model to follow nationwide.
3. Includes the roles and responsibilities of the BLM NV for the preparation, review, and publication of Environmental Impact Statements (EISs) and Environmental Assessments (EAs) on major federal actions subject to compliance with the National Environmental Policy Act (NEPA) (Attachment 2).

Additionally, two other processes addressed by BLM NV IM 2023-003 Change 1 were replaced by two BLM NV IMs respectively. They are:

1. BLM NV IM 2024-020 *Updated Headquarters and State Director Briefing, and Federal Register Notice (FRN) Publication Process for all Applicable BLM NV National Environmental Policy Act (NEPA) Projects* replaces the section in BLM NV IM 2023-003 Change 1 addressing the HQ briefing requirements for all NEPA projects requiring a Federal Register Notice (FRN).
2. BLM NV IM 2024-023, *Nevada State Office EA Level RMP Amendment and EIS Review Process and Best Practices* replaces the section in BLM NV IM 2023-003 Change 1 addressing BLM Nevada's protocol for internal reviews of EA level RMP amendments and all EISs.

Through this IM and the above two IMs, BLM NV IM 2023-003 Change 1 is replaced in its entirety.

Finally, BLM NV IM 2024-024 *Updated Project Management Process for all Internal Bureau of Land Management, Nevada National Environmental Policy Act EA and EIS Level Projects* addresses the project management process for all *internally* derived EAs and EISs.

B. Policy Summary

1. All NVSO, DOs, and FOs shall adhere to the BLM NV Project Management Process (PMP) for NEPA Projects outlined in Attachment 1.
2. Significant departures from the process outlined in this IM require approval from the BLM NV State Director (SD).
3. BLM NV will initiate the NEPA process when all pre-NEPA activities are complete. This process includes, but is not limited to:
 - a. Collection of all baseline data,
 - b. Refinement of applications, plans of operation, and plans of development based on NVSO and National policies per various published IMs. These actions are defined below:
 - i. Applications (APP) – Documents submitted to BLM NV proposing an action, activity or project such as drilling permits, special recreation permits, lands and realty actions (not covered by an SF-299), film permits, etc., on BLM NV administered lands.
 - ii. Plan of Operation (POO) – Plan that covers all operations of mining on BLM NV administered lands. Operations means all functions, work, facilities, and activities on public lands in connection with prospecting, exploration, discovery and assessment work, development extraction and processing of mineral deposits locatable under the mining laws; reclamation of disturbed areas and all other reasonably incident uses, whether on a mining claim or not, including the construction roads, transmission lines, pipelines and other means of access across public lands for support facilities.
 - iii. Plan of Development (POD) – Document describing the proposed action and submitted in support of an SF-299 (Right of Way (ROW)) application on BLM NV administered lands. ROWs typically include communication sites, pipelines, fiber optic, roads, solar, wind and other realty actions.
 - c. Drafting of the Supplemental Information Report (SIR) and Supplemental Environmental Reports (SERs). Drafting the SIR/SERs in the Pre-NEPA phase assists BLM NV in achieving page limits in the NEPA stage. The SIR/SERs may require updating throughout the Pre-NEPA and NEPA process. Definitions and notes on SIR/SERs are:
 - i. The SIR provides a detailed description of the proposed action, no action, and operational options (alternatives) including maps, diagrams, and supporting information.
 - ii. The SER is composed of a summary of the proposed action and all alternatives, a detailed description of the affected environment and detailed impact analyses, including direct, indirect, and cumulative, for each of the resources that are both present and affected by the APP, POO, or POD. Each resource is a separate SER.

- iii. SIR/SERs is part of the appendix of the draft and final NEPA documents.
 - iv. For EAs only, if page limits are achievable without the SIR/SERs, then the SIR/SERs may be omitted. That is, if the entirety of the description of the proposed action and alternatives, affected environment, and environmental consequences sections are located within the main body of the EA, and it meets the page limit regulatory requirement.
 - v. Coordinate with NV-930 Planning/NEPA Staff for any questions on SIR and SERs.
 - vi. SIR/SERs may be updated after public scoping and public review which may add additional alternatives.
 - vii. Refer to Attachments 4 & 5 for links to EIS level SIR and SER examples. See Attachments 6 & 7 for links to EA level SER and SIR examples.
4. Coordinate through the NV-910 Resource Advisor (RA) for all BLM NV NEPA project related briefings and to publish NEPA related notices in the Federal Register (refer to BLM NV IM 2024-020).
 5. For the NVSO internal review process of applicable NEPA documents, refer to BLM NV IM 2024-023.

C. The BLM NV Process: Attachment 1 facilitates consistency and coordination throughout BLM NV by providing the BLM NV Project Management Process (PMP) for NEPA projects. The NVSO and all DO/FOs will follow the PMP outlined in Attachment 1. Work packages (WPs) are groups of steps in the PMP. The steps outlined in Attachment 1 are not comprehensive because every project is different. The NVSO will update the Attachment as critical efficiencies or discrepancies are identified through the employment of the PMP. Flexibility and sound judgment by the project manager (PM)/technical lead (TL) (and supporting leadership) in when/how these WPs and steps are approached is necessary and encouraged. Where practicable, multiple steps and WPs may be approached concurrently.

BLM NV retains all inherently governmental functions such as: Tribal Consultation, Section 7 consultation under Endangered Species Act (ESA), Section 106 under the National Historic Preservation Act, (NHPA) etc. If there is a question as to an activity being “inherently governmental,” the DO/FO and NVSO Branches should reach out to the NVSO Planning/NEPA staff.

The hallmark of the BLM NV process is the robust pre-NEPA Process. Through experience with many EIS level projects, BLM NV found that proponents who actively engage in their own success by embracing this process find more optimal outcomes such as:

1. Shorter time duration to EIS level project implementation.
 - a. While the time to get to the Notice of Availability (NOI) is typically longer than at other BLM offices, the NEPA process is shorter often resulting in a shorter timeline overall. Prior to changes in NEPA policy, NOIs were often published before all environmental baseline reports were completed and found acceptable to the Inter-Disciplinary Team (IDT) and Authorizing Officer (AO) thereby, contributing to longer project timelines.
 - i. *Note the process for BLM NV aims to complete the NEPA process in half the time of Federal statutes.*

2. Fewer “go backs” and “re-dos” during the NEPA process.
 - a. The BLM NV pre-NEPA Process engages stakeholders earlier resulting in reconciliation of issues earlier without having as many “go backs” during NEPA.
3. Better meets the spirit of NEPA.
 - a. The intention behind NEPA is to help public officials make more informed decisions regarding the environmental consequences of the proposed action, how to mitigate those consequences, and how to protect, restore, and enhance the environment. The BLM NV pre-NEPA process facilitates the intent of NEPA by gathering project requirements early, assessing and documenting them early, so that when NEPA starts, higher quality NEPA documents are produced.

D. Early Engagement with BLM NV: BLM NV staff shall encourage proponents to engage with their respective BLM NV office early, preferably during the conceptual phase of the proposed project.

1. BLM NV staff shall encourage proponents to submit a "draft proposed action" in the form of a draft APP/POO/POD to their appropriate BLM NV office for informal review and guidance by BLM NV.
 - a. BLM NV staff will review the draft plan and determine if there is enough information to hold a pre-NEPA kick-off meeting and complete a Baseline Needs Assessment Form (BNAF) with full interdisciplinary team (IDT) and appropriate federal, local, and tribal entities participating. BLM NV staff will advise the proponent of the information needed to adequately inform the Pre-NEPA kick-off meeting and BNAF. See section G (*Pre-NEPA Project Kick-Off Meeting and Baseline Needs Assessment*) for details on the pre-NEPA kick-off meeting.
 - b. The AO will notify the proponent of acceptance of the draft APP/POO/POD for the purpose of beginning the pre-NEPA process.
 - i. AOs will exercise discretion as to the necessary minimum information required from the proponent to begin pre-NEPA, with the understanding that the APP/POO/POD is a *draft*, not a complete or final APP/POO/POD which comes later in the pre-NEPA process.
 - c. The pre-NEPA kick-off meeting, completion of the BNAF, and AO review and approval of the BNAF will occur within 90 days of the AO's acceptance of the draft APP/POO/POD.

E. Definition and Role of Contractors during the pre-NEPA Process for Anticipated EISs:

1. The Contracted PM. At the discretion of the proponent, and a with approval by the AO, the Contracted PM is hired and funded by the proponent to work *for BLM NV* (per 3rd Party MOU) as the PM for the proponent's project(s). The advantage is a fully dedicated PM and liaison who can fully focus on the proponent's project or projects.
 - a. BLM NV may, depending upon resources, provide a furnished cubicle and government computer as typically provided to one of their own employees, pending a favorable background investigation.
 - b. BLM NV will provide a Statement of Work (SOW) to the proponent to hire this contractor.

- c. The Contracted PM cannot perform inherently governmental functions such as Section 106 consultation, formal consultation with tribes, function as a contracting officer representative, or contracting officer, and cannot enter into any agreements on behalf of the federal government. This list is not exhaustive.
- d. The AO must approve the hiring of a Contracted PM by the proponent.
 - i. If approved, the AO may choose to embed the Contracted PM within the office, or not. If embedded, then:
 - a) A background investigation, and required training, etc., is required, which can take up to six months to complete.
 - b) The COR is responsible for onboarding all contract employees embedded within the BLM NV office.
 - ii. In either case, employment of a Contracted PM requires a 3rd Party MOU.
- 2. The Pre-NEPA Contractor is hired and funded by the proponent to draft, refine, and finalize their APP/POO/POD; and/or baseline studies. BLM NV has no input on the selection or hiring of this contractor by the proponent.
- 3. The Baseline Review Contractor. At the discretion of the proponent, and with approval by the AO, the Baseline Review Contractor is hired and funded by the proponent to work *for BLM NV* (per 3rd Party MOU) to review and comment on baseline studies and inform the Pre-NEPA Contractor of necessary corrections. The advantage is having additional personnel focused on reviewing the proponent's baseline studies.
 - a. BLM NV can provide a Statement of Work (SOW) for this contractor.
 - b. The Baseline Review Contractor must be completely independent of the Pre-NEPA Contractor.
 - c. If desired, the Baseline Review Contractor may compete and respond to the Request for Proposal (RFP) to serve as the NEPA Contractor as discussed in paragraph below.
 - d. BLM NV resource specialists must conduct a final review and sign off on the baseline studies. The Baseline Review Contractor cannot do this. Close coordination between the BLM NV resource specialists and the Baseline Review Contractor is required.
 - e. The AO must approve the hiring of a Baseline Review Contractor by the proponent.
 - i. If approved, the AO may choose to embed the Baseline Review Contractor personnel within the office, or not. If embedded, then:
 - a) A background investigation, and required training, etc., is required, which can take up to six months to complete.
 - b) The COR is responsible for onboarding all contract employees embedded within the BLM NV office.
 - ii. In either case, employment of a Baseline Review Contractor requires a 3rd Party MOU.
- 4. The NEPA Contractor (also known as 3rd Party Contractor) is hired and funded by the proponent to work *for BLM NV* (per a 3rd Party MOU) to draft the SIR/SERs.
 - a. The NEPA Contractor may also serve as the Baseline Review Contractor if completely independent of the Pre-NEPA Contractor.

- b. When NEPA starts (see section K *Start and Stop of NEPA*), the NEPA Contractor will develop the NEPA documents.
5. The following steps summarize the process to select the NEPA Contractor.
 - a. The Proponent drafts the RFP based on BLM NV's project-specific requirements (BLM NV will review the RFP before it goes out for bid).
 - b. BLM NV will convene a Technical Proposal Evaluation Committee (TPEC) to review contractor proposals.
 - c. BLM NV will review proposals and provide a recommendation to the proponent.
 - d. The Proponent selects the NEPA Contractor to work *for BLM NV* (per the 3rd Party MOU) and funded by the Proponent. The Proponent would select from the list of NEPA contractor recommendations.
 - e. See Attachment 3 for an example of a 3rd Party MOU.
6. If the Pre-NEPA Contractor is a qualified respondent to the RFP as outlined in paragraph 5 above, it is permissible for the proponent to select that contractor as the NEPA contractor, if desired.
 - a. In the case of the Pre-NEPA and NEPA Contractor being the same, this contractor *cannot* serve as the Baseline Review Contractor.
7. BLM NV retains the authority to review and accept all pre-NEPA products such as baseline studies, draft Biological Assessment (BA) (see section I *Endangered Species Act (Section 7) Consultation Timeline and Requirements*), and SIR/SERs, which must meet BLM NV and applicable Local, State and Federal standards regardless of whether the proponent chooses a sponsor led (for EAs only) or agency led process. Projects will not move forward into NEPA until all pre-NEPA documents are reviewed and accepted by BLM NV (i.e. the respective NVSO branch, DO, or FO). BLM NV is responsible for *all* pre-NEPA documents.
8. When NEPA starts, the NEPA Contractor and/or proponent must adhere to page and time limitations (See section N *Page and Time Limits*).

F. Definition and Role of Contractors during the pre-NEPA Process for Anticipated EAs:

1. The Contracted PM definition and rules remain the same as for EISs.
2. The Pre-NEPA Contractor definition and rules remain the same as for EISs.
3. The Baseline Review Contractor definition and rules remain the same as for EISs.
4. The NEPA Contractor is hired independently by the proponent or may go through the RFP/TPEC process as described for EISs above.
 - a. If a proponent approaches BLM NV with a preliminary EA, then BLM NV will review to determine if the EA meets BLM NEPA standards. Additionally, the EA may also need to meet other Federal Agency NEPA standards.
 - i. If the EA meets BLM and other applicable Federal Agency NEPA standards, then the project may proceed in NEPA.
 - ii. If the EA does not meet BLM and other applicable Federal Agency NEPA standards, then the project may not proceed in NEPA until the document is brought up to those standards.
 - b. For more optimal outcomes, DO/FOs will encourage project proponents to coordinate with them prior to submitting any NEPA related documents.

G. Pre-NEPA Project Kick-Off Meeting and Baseline Needs Assessment: The PM will set up and facilitate the pre-NEPA project kick-off meeting work with the IDT to gather baseline requirements and ensures that the Baseline Needs Assessment Form (BNAF) is completed. The BNAF identifies the required environmental baseline data collection needed for the project, relates those requirements to regulatory and/or policy requirements, and required inventory or survey protocols. The BNAF also identifies absence or presence of affected resources. Above all, the BNAF is a working document that may change based on the outcomes of environmental baseline surveys or changes to project scope.

1. The pre-NEPA kick-off meeting will occur within 90 days of the AO's notification to the proponent there is sufficient information in their draft APP/POO/POD to conduct a pre-NEPA kick-off meeting, identify all needed baselines through a BNAF, and Complete a Cost Recovery Agreement (CRA – see Section H for details on the CRA and other forms of cost recovery/reimbursement.)
2. The pre-NEPA kick-off meeting agenda will include, at a minimum, the steps outlined in WP 3 of Attachment 1.
3. Baseline needs and data collection, work plans, and protocols are identified and recorded in a BNAF, then routed to the Authorized Officer (AO) for review and concurrence.
4. After AO concurrence, the PM will send the BNAF, along with all applicable survey protocols if they have not already been provided, to the proponent and the NEPA contractor (if applicable).
 - a. It is important to note that changes to the BNAF or baseline requirements are possible due to numerous factors. Adjustments to the baseline assessment project schedule are not unlikely.
5. Should the proponent complete and submit baseline studies ahead of coordinating with their local BLM NV field office, conducting the pre-NEPA kick-off meeting, and completing a BNAF, and the studies do not conform to accepted protocols and standards (contact the appropriate BLM NV Field Office for details on these protocols and standards) then these studies will require updating and correction prior to acceptance by BLM NV. This outcome will require more time and investment by the proponent.
6. Project Managers/Planning & Environmental Coordinators/Planning & Environmental Specialists/Technical Leads must include all zoned specialists on all IDT invitations (Air/Climate, Socio-Economics/Environmental Justice, Paleontology, and Forestry) for all EISs, RMPA/EISs, EAs, and RMPA/EAs.
7. The IDT invitation will include the NVSO Greater Sage-Grouse (GRSG) Implementation Lead for the following:
 - a. EA level projects which include an RMP amendment (RMPA)for GRSG or Bi-State Sage Grouse,
 - b. All EIS level projects occurring in GRSG and Bi-State Sage-Grouse habitat.
8. The IDT invitation will include the NVSO Mitigation Specialist for:
 - a. All EISs and NVSO in-house projects.
 - b. EAs with mitigation needs that cannot be satisfied by established compensatory mitigation mechanisms (i.e. Desert Tortoise renumeration fees, Conservation Credit System for GRSG) to offset for impacts, or
 - c. When there are additional concerns about meeting mitigation policy.

9. The IDT invitation will include the NVSO National Scenic and Historic Trail (NSHT) Program Manager for all projects within the viewshed of NSHT for all EISs, RMPA/EISs, EAs, and RMPA/EAs.
10. The IDT invitation will include program leads from NV-930 and NV-920 for all EISs, RMPA/EISs, and RMPA EAs led or co-led by NVSO.

H. Cost Reimbursable Agreements (CRA):

Note: *For the purposes of this IM, a “CRA” is an agreement for any form of cost recovery or reimbursement. For details on execution of the specific type of agreement, refer to the acquisitions team.*

1. **Pre-NEPA:** Notwithstanding program specific cost reimbursable requirements for NEPA, the Authorized Officer (AO) may request cost reimbursable funding from the proponent and establish a 5101 (Cost Recovery Account) or 7122 (Contributed Funds Account) account for pre-NEPA activities. BLM NV will provide the project cost estimate for pre-NEPA activities to the proponent at, or soon after, the pre-NEPA kick-off meeting. The proponent’s funding of pre-NEPA activities is voluntary.
2. **During NEPA:** A 5101 account is required for EISs and optional for EAs. The 5101 account established in pre-NEPA (if done) will be used. BLM would refund any remaining balance to the proponent at the conclusion of the NEPA process.

I. Endangered Species Act (Section 7) Consultation Timeline and Requirements:

1. Begin early coordination with USFWS when proposed and/or listed species are located within the proposed project area. Ideally, this would occur no later than the pre-NEPA kick-off meeting during the pre-NEPA phase of the project.
2. Once all baseline studies are complete, and BLM NV accepts them, then:
 - a. The NEPA Contractor drafts the SERs and SIR,
 - b. BLM NV and USFWS agree on the species to consult on by either a search in the USFWS’s Information for Planning and Consultation (IPaC) database or through written correspondence,
 - c. The NEPA Contractor may begin drafting the BA (if practicable).
3. The BA clock starts when BLM NV and USFWS formally agree on the species list.
 - a. USFWS has up to 30 days to agree to start formal consultation. The 135-day clock to issue the BO starts when USFWS agrees to formal consultation.
4. AOs/PMs are encouraged to coordinate with USFWS during pre-NEPA to facilitate drafting the BA during the development of the SIR/SERs, if practicable.
5. Upon receipt of an acceptable BA (typically after NEPA has started when the proposed alternative is known) USFWS has 135 days to issue a Biological Opinion (BO) and, if appropriate, an Incidental Take Statement.
6. If the project or proposed action changes, then consultation will start over again.
7. When the BO is received, BLM NV will incorporate into the FEIS or Final EA the following:
 - a. Reasonable and prudent measures
 - b. Mandatory terms and conditions
 - c. Referencing an incidental take statement (as applicable).

- J. Pre-NEPA Process Summary:** The following provides a high-level summary of what BLM NV and proponents will complete during the pre-NEPA process (details are outlined in Attachment 1).
1. Ongoing refinement of the proposed action and project proposal (APP/POO/POD).
 2. *Discretionary:* Project Manager (PM) hired and funded by proponent to work for BLM. (Requires AO approval.)
 3. Pre-NEPA kick-off meeting.
 4. Completion of BNAF (section G) and CRA (section H).
 5. Baseline studies conducted according to BLM NV accepted protocols.
 - a. Draft SIR/SERs (section B.3.c) and Draft BA (section I) development begin when baseline studies are complete and accepted by BLM NV.
 6. *Discretionary:* Baseline Review Contractor hired and funded by proponent to work for BLM NV with MOU completed. Requires AO approval.
 7. Baseline studies reviewed and commented upon by BLM NV, or by Baseline Review Contractor (if hired).
 8. Baseline studies and reports accepted by BLM NV.
 9. NEPA Contractor hired, and 3rd Party MOU completed.
 10. BLM NV enters formal Cooperating Agency agreements/MOUs.
 11. For more optimal outcomes, BLM NV DOs, FOs and NVSO Branches should encourage project proponents to coordinate with the Sagebrush Ecosystem Technical Team (SETT) if project is in or within 6 km of Greater Sage-Grouse habitat.
 12. Development of the proposed APP/POO/POD until finalized and complete.
 - a. BLM NV IDT members may provide input during the development of these products.
 13. For EISs or EA-level RMP amendments conduct Initial Action Notice (IAN) briefing to BLM Headquarters at least 45 days prior to publication of the Notice of Intent (NOI).
 14. SIR/SERs are drafted and completed by the NEPA Contractor, then reviewed by the IDT and Cooperating Agencies (CAs).
 - a. The NEPA Contractor writes the SERs from the SIR and baseline studies.
 15. If applicable and practicable, draft versions of the BA are submitted to the USFWS for their review.
 16. For EISs or EA-level RMP amendments, conduct NOI briefing to BLM Headquarters.
 - a. Draft and route NOI to Federal Register via the Document Tracking System (DTS).
 - b. Refer to BLM NV IM 2024-020 *Updated Headquarters and State Director Briefing, and Federal Register Notice (FRN) Publication Process for all Applicable BLM NV National Environmental Policy Act (NEPA) Projects* for detailed instructions.
 17. Coordinate environmental justice (EJ) outreach with NEPA Contractor through the BLM NV Great Basin Zone Socio-economic Specialist.
 18. For EISs and EA-level RMP amendments, BLM NV receives official and completed APP/POO/POD prior to NOI publication.
 19. For EAs, BLM NV receives the official and completed APP/POO/POD prior to initiating the NEPA process.
 20. The APP/POO/POD is refined throughout the pre-NEPA process based on the results of environmental baseline reports, applicant committed environmental protection measures, and other information.
 21. BLM NV notifies proponent of Start of NEPA Clock as outlined in section K.

K. Start and End of NEPA Clock: BLM NV will ensure all pre-NEPA activities are completed satisfactorily prior to initiating the NEPA process. The start of NEPA for all externally derived BLM NV NEPA projects is defined and aligned with statutory requirements as follows:

1. For EIS:

a. **Starts** on the date of Publication of the (NOI) in the Federal Register,

OR

b. The date of BLM NV's notification to the proponent that the Right of Way Application (ROW) and associated POD is complete. The notification will also include:

i. BLM NV's determination of the level of NEPA required for the project.

ii. BLM NV's acknowledgement the NEPA clock has started.

~ Note: while a notice of a *complete* Application for a ROW and associated POD starts the NEPA clock (according to Federal statute), a notice of a complete Plan of Operation or other types of Applications do NOT start the NEPA clock.

c. **Ends** with the publication of Final EIS Notice of Availability (NOA) in the Federal Register.

2. For EA:

a. **Starts** on the date of Publication of the (NOI) in the Federal Register, if applicable.

OR

b. The date of BLM NV's notification to the project proponent that the ROW along with associated POD is complete. The letter will also include:

i. BLM NV's determination of the level of NEPA required for the project,

ii. BLM NV's acknowledgment the NEPA clock has started.

~ Note: while a notice of a *complete* Application for a ROW and associated POD starts the NEPA clock (according to Federal statute), a notice of a complete Plan of Operation or other type of application does NOT start the NEPA clock.

OR

c. When BLM NV determines that preparation of an EA is necessary, defined as when a decision-maker initiates public involvement on the EA either through public scoping or public comment on a preliminary EA.

d. **Ends** with publication of the Final EA or revised Final EA following public comment.

L. Demarcation of Processes and Contractors when NEPA Starts: When NEPA starts (section K) the following demarcation points for contractors (sections E & F) occurs:

1. For EISs: at the direction of the PM, the NEPA Contractor begins preparing the DEIS and FEIS.

2. For EAs: there are two options:

a. The proponent's contractor may prepare the preliminary and final EA.

i. BLM NV must review and determine whether the EA is sufficient and meets BLM standards.

ii. If/when the EA is sufficient and meeting BLM standards, BLM NV drafts the Finding of No Significant Impact (FONSI), if appropriate.

b. If workload permits, BLM NV prepares the preliminary and revised EA and drafts the FONSI, if appropriate.

3. In either case, BLM NV will add discretionary projects to the current list of projects in queue for completion. For non-discretionary projects, BLM NV would prioritize them within the current list of projects.

M. NEPA Process Requirements: At a minimum, BLM NV and proponents will complete the following during the NEPA process (details are outlined in Attachment 1).

1. All required consultation completed.
2. For EISs:
 - a. Initial Action Notice (IAN)
 - b. NOI to prepare an EIS
 - c. Public scoping
 - d. DEIS with associated NOA publication.
 - e. Public comment period
 - f. FEIS with associated NOA publication.
 - g. Governor's Consistency Review (for Resource Management Plan (RMP) Amendments only)
 - h. Protest Period/Protest Resolution (for RMP Amendments only)
 - i. All required public outreach.
 - j. Record of Decision (ROD) (NOA only required for actions with effects of national concern).
3. For EAs:
 - a. NOI to prepare an EA (for RMP Amendments only)
 - b. Public scoping, if appropriate
 - c. Preliminary EA
 - d. Public comment
 - e. Final/revised EA
 - f. Governor's Consistency Review (for RMP Amendments only)
 - g. Protest Period/Protest Resolution (for RMP Amendments only)
 - h. All appropriate public outreach.
 - i. FONSI
 - j. Decision Record (DR), if appropriate.

Refer to BLM NV IM 2024-020 *Updated Headquarters and State Director Briefing, and Federal Register Notice (FRN) Publication Process for all Applicable BLM NV National Environmental Policy Act (NEPA) Projects* which outlines the HQ briefing process and publication of notices in the Federal Register.

Refer to BLM NV IM 2024-023 *Nevada State Office EA Level RMP Amendment and EIS Review Process and Best Practices* outlining BLM Nevada's protocol for internal reviews of EA-level RMP amendments and all EISs.

N. Page and Time Limitations: The following are the page and time limitations for EISs and EAs. (Refer to DOI Environmental Statement Memorandum (ESM) # 13-14 for further information).

1. EIS: 1 year and 150 pages of text.

- a. EISs may have up to 300 pages of text if extraordinarily complex and approved by the State Director – see question #15 of Attachment 8).
 - i. Justification for 300 pages and approval by the State Director must be part of the Decision File (section O *Decision File*).
 - b. Extension beyond 1 year but no more than 2 years requires approval by the State Director.
 - c. The Federal statutory limit is 2 years (40 CFR 1501.10(b)(1)).
 - i. Time extensions for projects exceeding the Federal statutory limit requires approval per latest policy starting with the State Director.
 - ii. Consultation with the proponent and lead, cooperating, and participating agencies is required prior to requesting project extensions.
 - iii. Justification for time extensions and documentation of consultation is required in the Decision File (section O *Decision File*).
 - d. There are no exceptions for page limits of text; that is, an EIS is either 150 pages or less OR 300 pages or less (if extraordinarily complex and approved per paragraph a).
 - e. Refer to Attachment 8, question #14 on what constitutes a “page.”
2. EA: 6 months and 75 pages.
 - a. Extension beyond 6 months but no more than 1 year requires approval by the State Director.
 - b. The Federal statutory limit is 1 year (40 CFR 1501.10(b)(1)).
 - i. Time extensions for projects exceeding the Federal statutory limit requires approval per latest policy starting with the State Director.
 - ii. Consultation with the proponent and lead, cooperating, and participating agencies is required prior to requesting project extensions.
 - iii. Justification for time extensions and documentation of consultation is required in the Decision File (section O *Decision File*).
 - c. There are no exceptions for page limits.
 - d. Refer to Attachment 8, question #14 on what constitutes a “page.”

O. Decision File: The decision file is a collection of documents on the agency’s decision-making process and the basis for the decision. A decision file should contain substantive documents and materials considered by the BLM during the NEPA process. This includes technical publications and references, meeting minutes, public comments, natural and cultural resource data, agency correspondence, and decision documents. A decision file should not include records that do not document the decision-making process, such as emails sent solely for the purpose of scheduling meetings, communications related to contracting, drafts of documents that only reflect minor grammatical edits, etc. In most cases there is no need to include copies of reasonably available sources of legal mandates, such as sections of the Code of Federal Regulations, Federal Land Policy Management Act (FLPMA), BLM Management Policies, etc., although PMs may wish to include links to locations where such materials can be found, when appropriate.

A decision file is not the same as an administrative record. An “Administrative record” has a specific meaning under the Administrative Procedure Act: it is the record prepared after litigation is initiated. While an administrative record is generally drawn from the decision file, it does not necessarily include the entire decision file, and it is only prepared in the event of

litigation. Because the decision file will form the basis for the administrative record used to defend the Bureau of Land Management's (BLM) decision if challenged in court, it is extremely important a decision file is complete and well-organized.

The decision file for a project will be in the PM's office. Should a project be initiated in one office, and a different office takes over the NEPA process, the entire decision file would migrate to the office handling NEPA. The office not maintaining files could have a folder with the project name containing one document with information on the correct location/link of the decision file.

P. Notifications to Proponents: At a minimum, BLM NV may coordinate with the proponents through the following forms of correspondence or products during the project:

1. Notification when a *draft* APP/POO/POD contains sufficient information for BLM NV to begin the pre-NEPA process.
2. Completed BNAF identifying required baselines to perform.
3. Completed CRA.
4. Notification of BLM NV acceptance of baseline studies schedule and approximate date of when the project will be inducted into the BLM NV POW.
5. Notification of acceptance of completed baseline studies and induction of project into the BLM NV POW.
6. Various MOUs such as for a Contracted PM, Baseline Review Contractor, or NEPA Contractor.
7. Notification of BLM NV acceptance of SIR/SERs.
8. Notification of BLM NV acceptance of *final* APP/POO/POD, BLM NV determination of level of NEPA, and BLM acknowledgement of start of the NEPA clock.

Timeframe:

Effective Immediately

Budget Impact:

Over the long-term, fiscal savings will be realized as timeframes for document preparation and project execution are reduced.

Manual/ Handbook Sections Affected:

None.

Coordination:

This IM was coordinated through the NV-910 Resource Advisor; Deputy State Director (DSD) for Resources, Lands, and Planning; Deputy State Director (DSD) Energy and Minerals; Associate State Director; the Field Management Leadership Team (FMLT); and the NV-930 Planning/NEPA Staff.

Contact:

Questions regarding this IM should be directed to the NV-910 Resource Advisor and the NV-930 Planning/NEPA Staff.

Signed By: Jon K. Raby
State Director

Authenticated By: Leslie Borden
Executive Assistant

Attachments

1. BLM-NV NEPA Project Management Process
2. Roles and Responsibilities
3. Example of 3rd party Memorandum of Understanding (MOU)
4. Example of Supplemental Environmental Report (SER) link for an EIS:
https://eplanning.blm.gov/public_projects/nepa/113574/174881/212393/4-20190528_Gemfield_ser_vegetation_508.pdf
5. Example of Supplemental Information Report (SIR) link for an EIS:
https://eplanning.blm.gov/public_projects/2012544/200493558/20088200/250094382/01_goldrush_sir_proj_alternatives_20230816_508.pdf
6. Example of Supplemental Environmental Report (SER) link for an EA:
https://eplanning.blm.gov/public_projects/2024041/200549464/20105407/251005407/07_Vero%20Air%20SER%20-%2020231110.pdf
7. Example of Supplemental Information Report (SIR) link for an EA:
https://eplanning.blm.gov/public_projects/2026661/200564288/20100306/251000306/2023Nov_Weepah_SIR_V2_508.pdf
8. Department of the Interior Fiscal Responsibility Act (FRA), Division C, Title III, Section 321 – National Environmental Policy Act (NEPA) Amendments - Frequently Asked Questions (FAQs), April 2024
9. Baseline Needs Assessment Form (BNAF)
10. Defining Environmental Effects