

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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EMS TRANSMISSION 4/26/2002
Instruction Memorandum No. NV-2002-049
Expires: 09/30/2003

To: Field Managers, Nevada
Deputy State Directors and Staff Chiefs, NSO

From: State Director, Nevada

Subject: Preparation of a Statement of Adverse Energy Impact

Attached is a copy of Washington Office Instruction Memorandum (IM) No. 2002-53, dated December 12, 2001. This IM requires the documentation of effects of land and minerals management decisions on energy production and use from the public lands via a Statement of Adverse Energy Impact.

The IM requires the Bureau to carry out the mandates of Executive Order No. 13211. We must ensure that decisions made and implemented by the Bureau, which could or will adversely impact energy development, production, supply and/or distribution, be assessed, considered, and documented. This includes decisions or actions taken as the result of any Record of Decision (ROD) or Finding of No Significant Impact (FONSI), prepared either by the Bureau of Land Management (BLM), acting alone, or as a joint lead or cooperating agency. This also includes policy decisions made through other processes, such as the issuance of an IM. If there is no adverse impact, a Statement of Adverse Energy Impact does not need to be prepared. However, any ROD, FONSI, or other decision document should note this fact. A simple statement incorporated into the decision language, or attached to the decision document, will suffice.

Note that, similar to National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA) (of 1966), Executive Order (EO 13212) and the WO IM do not forbid decisions to be made that will negatively impact energy development, production, supply

and/or transmission. The purpose of this IM is to ensure that the impacts of an adverse

decision on energy are assessed, considered, and documented.

If a decision will have a direct adverse impact on energy development, production, supply, and/or distribution, or access to mineral materials (sand, gravel, caliche, etc.) for road and pad construction in support of energy development, you must prepare a Statement of Adverse Energy Impact that will assess, document, and clearly state that the decision will have an adverse impact. The detail level of the analysis should be consistent with the scale of the proposed action and the significance of the adverse effects on energy resources. Statements should be short and concise, normally no more than one page, for a simple document describing a decision or action that has an adverse energy impact. This will cover the majority of our actions. A Statement for a document such as the Record of Decision for a Resource Management Plan will likely be more lengthy due to the numerous and complex energy related issues that must be addressed. They should normally follow the format described in the body of the WO IM and in its Attachment 2 (see attachment 3 to this IM). However, they can deviate from this format, if needed, if they include the basic information shown on the sample. These statements should be summaries of existing information developed during the preparation of the decision document. As needed, Statements may cite readily available documents prepared in their development. Examples of actions that might adversely affect energy development or distribution include: Denial of energy projects such as Application for Permit to Drill (APD), pipelines, major power line, wind or solar monitoring, or generation site rights-of-way. Other decisions such as withdrawals, road closures or other travel restrictions, historic trail designations, scenic buffers, no leasing areas, no surface occupancy restrictions, and denial of access to mineral materials to support energy actions that would adversely affect energy development may be other examples. In those cases where there are no adverse energy impacts, the ROD or (FONSI) should note that fact.

Based on the requirements of the planning regulations, the planning manual and handbook, and fluid mineral's supplemental program guidance, this should be a straightforward process with the understanding that only one consolidated Statement needs to be prepared for a Resource Management Plan (RMP) or RMP amendment. However, such a Statement may be longer than the normal one page, in that RMPs and most RMP amendments cover more than one program and larger geographic areas than most decision documents, such as program or project specific environmental documents. In these cases, the Statement may be up to several pages in length, including a summary page at the beginning that includes the basic information contained in the example attached to the WO IM. These pages should address decisions concerning all energy minerals including oil, gas, geothermal, etc.; energy sources, such as wind energy; and energy facilities, such as power lines, pipelines and power plants as addressed in the planning document. They may be in narrative format or in tabular format, as appropriate to the impacts and to the resource. As noted above, they should use information developed during the preparation of the RMP.

Some decisions may not have an impact on energy supply or distribution if there is no potential for development of energy resources in that area. The potential for development

may depend on industry interest in a particular area. Subject matter experts in NV- 920 and NV-930 may also be consulted for questions in arriving at energy potential analysis and Statement of Adverse Energy Impact determinations.

Road closures or other travel restrictions may have an adverse energy impact if they lead to a lack of access to an area. If there still is reasonable access after a road is closed, there is no adverse energy impact. As noted, all actions/decisions need to be reviewed individually to decide if there is an adverse energy impact.

In March 2002, the National Energy Office convened a team to develop additional clarifying guidance in the form of questions and answers. It is contained in Attachment 2 to this IM. While the clarification does not cover each and every decision you could make, it is fairly comprehensive and should satisfy most situations. Also, Attachment 3 contains several examples which will assist in your preparation of any Statement of Adverse Energy Impact.

Except for RMP revisions and amendments, I am delegating authority for signing Statements of Adverse Energy Impacts to Deputy State Directors and Field Managers, as appropriate, for permits, licenses, leases, etc. This document should be signed before, or concurrent with, signing the decision. Within five business days of the signature, a copy of the statement is to be sent to the Deputy State Director for Minerals Management, NV 920, for review, consolidation and forwarding to the Bureau's National Energy Office in WO 300.

If you have additional questions concerning this IM or the WO IM, please contact Steve Salzman, Assistant Deputy State Director, Minerals Management, at (775) 861-6566.

Signed by:
Robert V. Abbey
State Director, Nevada

Authenticated by:
Pam Collins
Staff Assistant

3 Attachments

1. WO IM No. 2002-053 (4 pp)
 2. Statement of Adverse Energy Impact Questions and Answers (7 pp)
 3. Example Statement of Adverse Energy Impact (6 pp)
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