

Recent Edits to the Utah NEPA Guidebook and Templates (09-07)

The Privacy Act notification required to accompany notices or letters that provide public comment periods changed in 2006 with updates the BLM Washington Office. The most recent version is as follows:

“Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment--including your personal identifying information--may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations and businesses, will be available for public inspection in their entirety.”

Page 2-4 of the Guidebook has been revised to include this language.

On August 14, 2007 the Department of the Interior published a “Notice of Final Action to Adopt Revisions to the Bureau of Land Management’s Procedures for Managing the NEPA Process, Chapter 11 of the Department of the Interior’s Manual Part 516.” Among other things, the revision amended BLM’s lists of Major Actions Normally Requiring and Environmental Impact Statement and Actions Eligible for a Categorical Exclusion (CX). The actions normally requiring an EIS were moved from 516 DM 11.4 to 11.8 and the CXs were moved from 516 DM Chapter 11.5 to Chapter 11.9. A new section (11.6) was added to provide guidance on the use of existing documentation and preparation of a Determination of NEPA Adequacy (DNA).

Chapter 6 and Appendix I of the Utah BLM NEPA Guidebook - March 2006, and the Administrative CX documentation template have been revised to include the latest lists and references for Major Actions Normally Requiring Preparation of an EIS and Actions Eligible for a Categorical Exclusion. Chapter 7 of the Guidebook now includes a reference to 516 DM 11.6 for the conditions under which a DNA is applicable.

Based on a May 6, 2003 decision from the Department of Interior Office of Hearings and Appeals (NV 010-2001-04, page 11) which stated that “Notably, BLM did not issue a Finding of No Significant Impact (FONSI) in conjunction with its ‘DNA’, the Guidebook directed that a FONSI and Decision Record (DR) or Record of Decision (ROD) be prepared based on the documents relied upon by the DNA. A more recent decision of the Interior Board of Land Appeals, 170 IBLA 350 (November 22, 2006), determined that the CEQ’s regulations make no provision for a FONSI that is not based on an EA and that the logical basis for a FONSI when NEPA is adequate is difficult to discern. Therefore the direction for preparation of FONSI and DRs or RODs after completion of

DNAs has been removed from Chapter 7 of the Guidebook and the FONSI short-form template.

The PLANNING AND NEPA GUIDANCE page on the **intranet** (<http://www.utso.ut.blm.gov/nr/NEPA/default.htm>) and the PDF file of the Utah BLM NEPA Guidebook - March 2006 on the Internet have been updated to reflect these changes.