

Planning Nuts and Bolts: Draft RMP / EIS

In previous sections, we talked about comparing alternatives, we talked about doing an effects analysis, we talked about creating all of this information on the impacts. In this unit, we're going to be talking about actually compiling all of that into a draft plan, draft EIS, that's going to be released for public review.

So the objectives of this segment is to talk about what goes into writing the actual draft plan, the components of the actual EIS. And then, what's going to go into those public review requirements and how that public review is going to work.

So the general considerations in doing an EIS have to do with making sure you've created a record that supports an eventual decision. So even at this stage, it's a draft that's going to be issued to the public for review, issued, officially, to the collaborators you may have involved some internal review with some of the other agencies possibly. But now you're ready to issue this to the public as the formal draft EIS that's going to go out for review. So you want to make sure that, at this stage, you're creating that appropriate record to support the decision that eventually is going to happen at the final EIS and record of decision stage.

So you're going to be looking at the draft EIS, making sure it's done a good, meaningful analysis of all the alternatives. Make sure that there hasn't been anything that has been pre-decisional. You don't want to put out a document that shows the public you've already made a decision on this. You're not using the information in this NEPA document to help make your decision. You don't ever want to do that, you don't want to have post-talk rationalization that this is just supporting something you've already decided. You want to make sure it's open, transparent, that you haven't made a final decision. This is the preferred alternative from BLM's stand point. We're going to go through to now issue a draft, get comments on the draft, respond to those comments, possibly revise the alternative in some way and then come up with a plan that you're proposing that you're going to actually finalize.

There may be a lot of different issues that go into doing this EIS. You might be thinking about, well, what information are we pulling from as far as incorporation by reference. Are there other public documents available that help elaborate on certain issues? Have we referenced those appropriately? Do we have them in the record and is there an adequate analysis of those documents that we've incorporated? If we're tiering from another analysis, and we're going to be talking about tiering in another segment; but if you're tiering from another analyses that have already been done, maybe there's been a larger study related to a particular resource and can we --- has that larger study identified this BLM plan action within its scope to where we can use some of that information and tier from it.

All of these components need to be adequately explained in the EIS in order to show the public that you've considered these issues in order to create the adequate record to support the decisions down the road in order to show that road map for possible judicial review at a later date related to this. So you want to make sure all of that is in there explained adequately. And, of course, make sure, as Bobby talked about

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in the data section, make sure that you've got a good description of the information you have, where you got it, the information you can't get and why you can't get it and what reasonable assumptions you can make based on the evidence that you do have. All of that's very important to, again, support this concept of did you do a good faith effort of full disclosure showing you took a hard look at all the different resource effects related to the human environment.

Also, when you're going through and preparing this EIS, you want to make sure this is readable from a public stand point. When you're working with a lot of scientific experts, they're thinking about things in terms of their discipline but not necessarily thinking in terms of readability for the public perception --- or for the public consumption, and for the decision makers understanding. So, you may have some scientific analysis that is really good information that's in the record, but not necessarily repeating all of it for the draft EIS. You can certainly create references.

You can create appendices to the document for the EIS and not have all of that analysis in the, the technical analysis, in the actual EIS itself. You do want to make sure you're focusing on those areas where there are potential environmental effects. You don't want to have too long a discussion on the affected environment, for instance, where there really aren't any planned decision that's going to affect that resource. You want to make sure, again, that it's clear, that it's not too long in page length and again, think about it in terms of for the non-technical expert. Are they going to understand each of the sections, every section of the EIS in order to understand BLM's decision making?

As you're putting together the draft EIS, you're going to be thinking about things like how am I going to do a summary for this? Am I going to develop an abstract? How's that going to look? Is the abstract separate from the document itself? You're going to be thinking about things like the title, the cover sheet, what information goes on that title page. There's an important component that BLM requires, it's called the Dear Reader letter. The Dear Reader letter is going to help the reader, right at the very beginning of the document, understand what is this document, how does it fit into BLM's planning process, what happened in the past, what's going to happen with future decision making? There's going to be a draft EIS that you respond to comments in a final EIS and then issue a proposed plan. So, it's all of that information should be right in the Dear Reader letter as well as possible other aspects like the protests procedures. You want to make sure the reader understands, hey, there are certain pieces of information at the end of this process you may not agree with, you may want to go through this process that BLM sets related to protests. All of that should be in your Dear Reader letter.

You possibly are going to create an executive summary, and we have another slide on that we'll get to. Again, within the content of the EIS, think about how you're laying out the table of contents. Think about how you're listing out figures. All of these things seem, oh well, is that really important in the big scheme of things? All of it's important because, again, it's this road map that you're creating. You want to make

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something that's easily readable from the public stand point, from judges or whoever else would possibly going to be reviewing this. Make sure you have it clear on how to find that information.

You're going to create an introduction chapter that has the basis for why BLM is embarking on this planning efforts that includes all the planning criteria that you've created, your goals, your objectives, your vision. All of that information will be in the first substantive chapter of the document. You'll have a section on the alternatives. How those alternatives were developed. Again, you might have a separate appendix that talks about how you screened alternatives, referencing all the alternatives that were considered and eliminated from detailed evaluation and then those that were included, how you're looking at them, how they were combined.

You'll be discussing, as we've already talked about, the affected environment, your basic existing resources, how they exist today. You're also then, of course, going to be having an environmental consequences section where you're going to be talking about the environmental consequences of the different alternatives. And then you're going to want to also include references to the process that you created, your scoping process if you will, related to consultations with certain agencies maybe because it was legally required, like your Section 7 in the Endangered Species Act and how you see that occurring. Or it may be just the coordination with state, local agencies and tribes. You want all of that information in there, summarized, so again the public can understand, yes, this was a transparent process to come up with the analysis that we have so far.

Again, I emphasize the importance of appendices. Don't have a lot of technical information that in the EIS, that really is not necessarily relevant to the public's understanding of the analysis. If you can, refer to technical appendices where appropriate and also helpful things like a glossary, list of acronyms. Those kind of things are very important, again, for those non-BLM folks who might not understand all of the different terminology that's used within a BLM planning process.

You're going to be putting all of that stuff together as part of a draft plan, a draft EIS. You're going to want to, of course, verse from internal stand point have involvement from different team members peer review. Make sure that there's appropriate peer review from the team's perspective, make sure if you have contractors involved that BLM is doing an independent review making sure that they have approved everything that's been analyzed and is going to be part of that record, make sure that they agree that all of that information reflects their own independent judgment, if you will. Make sure that if you're having cooperators and possible other federal agencies, state agencies, local agencies, review internal administrative copies of the draft, make sure they have a complete understanding of what the scope of their authority is. This is BLM's document, BLM is the lead agency. They want input from the cooperating agencies on the different technical areas, but you don't want to have those folks necessarily commenting outside their jurisdiction. You don't necessarily want to have folks think that it's their document. It's certainly something that they are going to

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participate in, but ultimately BLM needs to make sure everybody understands that as lead agency, it ultimately is their responsibility to make that the document is adequate.

Also, there are FOIA issues, Freedom of Information Act issues, which you should consider. Part of the challenge if you release something to other agencies outside of BLM, you lose a certain amount of control on whether those things are then distributed to members of the public and there might some question, should that be released to other folks. Is it something that the public should, if they get a FOIA request in, be able to get this pre-decisional document? And again, I would encourage you to talk to the state coordinator related to FOIA issues as well as your solicitor to make sure that you're not over-stepping the bounds necessary to make sure you're considering all of those things as you're doing your internal review of the draft plan in the EIS. There may be an internal review related to the state office as well as Washington office and you want to consider that as well as your elected officials may also request a briefing related to how the plan, in its draft state at least, is being developed and issued.

You're going to be thinking of this in terms of format. There's a separate segment on E-Planning that will discuss this in more detail on how you're going to coordinate the format of the EIS. You're going to want to be thinking about presentation issues. You want to be thinking about how much, literally, production are you going to do for these documents. Is it going to be all hard copies, is it going to be electronic, are you going to have it on a website? How is the website going to upload some of these very data-heavy files related to graphics, related to tables, related to some of these technical appendices? All of that information is very important and needs to be part of the record. But how you present it to the public and how the public can get access to that is very important to consider things like if it's on computer or if it's on a cd or if there are other methods if you want to make available hard copies, the actual documents. And how you present all that is very important. Again, emphasize that this needs to be readable from a public stand point, from the decision makers' stand point. So, having too much technical jargon in the actual EIS is not recommended. Try to use your technical appendices as best you can.

You may be doing an executive summary. You want to make sure that the executive summary is clear, that it doesn't overly summarize the issues. This may be the only thing that people actually review outside of BLM in trying to understand the impact analysis and your plan decision. So, you want to make sure that it's a very clear document, that it doesn't overly simplify the process that BLM went through, that the impacts that BLM looked at and the alternatives that they compared. It is important to make sure it's something that is very readable, that is very accessible, so graphics are very helpful. Bullet list of issues are very helpful, different kinds of comparative tables and matrices are very helpful in making a summary of the more detailed information that's in the actual EIS. When there are areas of controversy or unresolved resource issues, those should be spelled in the document. A lot of times the federal agencies put that in the executive summary. You do need to make sure that the executive summary, if you're going to include a lot of graphics, that you have enough time and budget,

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literally, to be able to produce the right document that you want to in the same time frame as you're actually trying to draft EIS itself.

You're going to do a notice, basically, that this EIS is available for review. This is a formal notice process, actually, for all NEPA documents for EISs. The notice is actually sent from the federal agency to the Environmental Protection Agency, who has an office which basically coordinates with the federal register and EPA will actually do the filing of your notice of availability of this EIS in the federal register. You may do separate notices to your mailing list, on your website, to your collaborators. So you might have two separate notices, one that you do, the BLM does related to its own process and then the additional notice of availability, the official one that is sent to EPA and they will log in the federal register and that will be published there.

Also related to the notice, think about things like how many people actually review the federal register. You may want, if you're relying on just that to announce the availability of your EIS, you may not get as much review and participation as you really want. Press releases and different public meetings are also appropriate and can really help the outreach in getting the feedback. Basically what you're doing in the EIS is you're summarizing what happened as far as collaboration, putting together the alternatives analyzing the alternatives, identifying this preferred alternative, and you basically now are asking the public and the other participants in the process, did we get it right. Do you agree, is there more information that we need? And it's all of that additional help that is going to assist BLM in coming with the proposed plan, coming up with the final EIS.

You're going to have a review period, typically 90 days. Again, you may have a public meeting or two or five depending on the locations that you want to have them and the kind of folks you want to get involved. So, public meeting to accept comments on the EIS is very important. Again, you want to be participating with the state office and the Washington office, if necessary, and you want to make sure that everybody understands how, when they submit comments, how those comments might be published. Sometimes there's a concern, hey, I don't want somebody to see my signature on a comment letter. I don't want somebody to see my address on a comment letter and you should explain that up front, if folks submit a comment that could be a part of the record that is accessible through the Freedom of Information Act and if those folks don't want that, there's certain things they should be doing up front when they submit their comments. So all of that is important in communicating to the public how you want them to participate in the next steps in the process.

The last thing, just make sure you understand. Not only does EPA accept and get the notice of availability to publish in the federal register, they actually will get a copy of the EIS and review it as part of the NEPA process, EPA will review all EISs that are published and as part of that, they do both of analysis of the considerations that went into the NEPA analysis, the environmental issues. Do they have any objectives or concerns related to some of the environmental issues that have been analyzed and discussed as far as the alternatives? They'll also basically say did you do NEPA the

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right way? So they'll actually say, is this adequate for compliance with the National Environmental Policy Act? So, they'll both do those separate analyses part of their commenting on the EIS.

And so, of course, EPA is one of those entities that you want to make sure is involved in the process when you're doing the initial stages of development of the EIS right through to the final.