

NEPA Process for Withdrawal Actions

Policy/Action: The implementing decision for a withdrawal is the Public Land Order (PLO) or Notice of Denial. Pursuant to Section 204(a) of the Federal Land Policy and Management Act, 43 U.S.C. 1714(a), the **Secretary of the Interior is authorized to make, modify, extend, or revoke withdrawals**. That authority may be delegated only to individuals in the Office of the Secretary who have been appointed by the President, by and with the advice and consent of the Senate.

43 CFR §2310.3-2(b)(3) states that environmental assessments (**EA**), environmental impact statements (**EIS**), or any other documents needed to meet NEPA requirements **shall be provided by the applicant**. If the NEPA review results in the development of an EIS, the **BLM will prepare a Record of Decision (ROD) for the Office of the Secretary**. The ROD will accompany the proposed Public Land Order or Notice of Denial, the authorized officer's **recommendation(s)**, and other required documents.

If the NEPA review results in the development of an EA (but not an EIS), **the applicant agency and BLM will jointly prepare a Finding of No Significant Impact (FONSI)**, which the BLM will sign. **The BLM will then prepare a Decision Record for the Office of the Secretary**.

The FONSI will accompany the Authorized Officer's **recommendation(s)** and rationale for the Office of the Secretary.

If the BLM Authorized Officer determines that reliance upon a categorical exclusion (**CX**) in accordance with 516 DM 11.9 E (1, 2, or 3) is sufficient to constitute compliance with NEPA, that determination will be included in the case file, and the BLM will prepare a Decision Record for the Office of the Secretary.

516 DM 11.9.E(1) Withdrawal extensions or modifications, which only establish a new time period and entail no changes in segregative effect or use.

516 DM 11.9.E(2) Withdrawal revocations, terminations, extensions, or modifications; and classification terminations or modifications which do not result in lands being opened or closed to the general land laws or to the mining or mineral leasing laws.

516 DM 11.9.E(3) Withdrawal revocations, terminations, extensions, or modifications; classification terminations or modifications; or opening actions where the land would be opened only to discretionary land laws and where subsequent discretionary actions (prior to implementation) are in conformance with and are covered by a Resource Management Plan/EIS (or plan amendment and EA or EIS).