>>C. Humphrey: As Laura mentioned, there is a difference between a project file and an administrative record. We got tons of questions about this in the rework. Our panel of experts even had quite a discussion about the terminology when we were developing this broadcast. To clear up in icon fusion you might have, Megan and Anne are going to start by discussing the project files.

Remember, if you have any questions or comments or tips or thoughts or ideas, jot it down and then hold it for when we open up the phone lines.

Megan?

>> M. Stouffer: Thanks, Cathy.

As you heard from Laura, the project file refers to all documents associated with the NEPA process. The project file contains the story of how the BLM reached the decision and provides the supporting rationale behind the final decision. Unlike the administrative record, which is the collection of documents used for litigation, the project file is compiled at the start of the document and remains open until the ROD or decision record is signed.

So what makes the project file so important and why are we talking about it separate from the administrative record?

Besides documenting the decision process, the project file also provides a central location for project information. Your ID team can have access to all the materials and drafts associated with that document. Additionally a central file with all the supporting materials can help with those transitions of ID team members that Linda mentioned earlier, it can get team members and managers up to speed quickly. Finally, a strong and well organized project file saves time and effort when an administrative record is needed for litigation.

A project file should begin at the outset of any project whether it's the initiation of an external application, such as a right-of-way; or an internal project—maybe a vegetation treatment. You should continue to add to the project file regularly during the development of the project.

>> A. Boeder: In western Oregon we recently revised six RMPs. Since this was such a large project we knew we would have a bear of a project file. So right from the beginning, we set up a regular schedule for ID team members to submit records once a month. That way it became a regular habit for them to be thinking about the project record and submitting files. It also gave us a chance to manage the file as it was compiled.

You know, over a five-year period we had probably 30 or 40 people involved with submitting records. We ended up with thousands and thousands of records. In fact, the index alone was almost 500 pages, and that was 8 point type. So given that size of a file, imagine the horror if we had waited until the end to start working on the file.

>> M. Stouffer: That's right, Anne. It's very important at these larger projects to regularly contribute to the file but it's also important that quality project files are kept at all levels of NEPA. Litigation is increasing on the smaller-level NEPA documents.

For example, the Amigos Bravos lawsuit in New Mexico revolves around the analysis of climate change in multiple EAs for multiple offices and multiple lease sales. All of these project files had to be combined into one administrative record for the case. Although this is a very complex example, it really represents a lot of the different recent cases we've been seeing.

So the big question is, what goes in the project file? It's a combination of version documents, notes, references, communications, yes, including e-mail, and my rule, the general rule is, it's better to save than be sorry. Anything you think that might show the deliberative process should be included in the project file. It's very hard to say what could be the savior in the end.

In terms of documents, one of the best ways to show the deliberative process and your rationale for changes is through draft versions. However, not all draft versions need to be included. Keep those that show deliberation and changes concerning particular issues. These might be shown in track changes. Highlight any of those drafts that were circulated for review as those comments received will need to link to that document in order to make sense.

You do not need to save drafts that only have grammatical or formatting changes or maybe they're just a personal draft that was later incorporated into a larger document. So obviously the comments on these drafts are also a great source of evidence for that internal deliberation. We know they can come in many forms. One of the most common forms are drafts with track changes. Make sure you're changing those track change versions before modifying them, before accepting, rejecting or addressing any of those comments, save that version. You don't want to lose the comments that are associated with that document.

For example, in New Mexico we're developing an improving methods for analyzing emissions associated with oil and gas development. These documents are being passed around quite regularly and comments are added in track changes almost every time and those comments are further evidence of all of the different expertise and deliberation that goes into the final methodology that's chosen.

The comment forms we use are also a great way to show that internal deliberation. They not only show the comment but they also show how it was addressed, accepted, rejected, modified, all in one form. As mentioned before, make sure to identify the documents that those comments are associated with.

Conference calls also involve some significant deliberation and discussion and I don't know how many conference calls I've been on where no notes are taken and there were some major decisions or direction that were given in order to move forward on an RMP or an EIS. Take notes or make a memo to file on the topics of discussion and make sure to include those in the project file.

>> A. Boeder: I think it's also important for folks to remember that one-on-one phone calls can also be very important to record. I think it's easy to forget vital information if you wait until later to take those notes. On our plan revisions, we developed a standard phone log for folks to use. They way they could have it on their desk, and when they're having the conversations, they could record the important information. The log information included the date of the phone call, people involved, subject of the call, any decisions or agreements that were made and also any follow-up actions that were planned.

>> M. Stouffer: That's a good idea, Anne. Just remember those phone calls, a lot of stuff happens on those and we need to make sure we're recording that.

Another thing to remember is that all of those comments and considerations lead to those final versions and we want to make sure in the project file those versions are highlighted specifically, though released to the public need to be noted in the file.

So another big part of the project file, supporting materials and references. References include documents that support the decision and/or the analysis, including all the methodologies used.

References should be cited in your document, but they also need to be included in the file. Perhaps a document might be quite large, so I recommend that if it's a big document maybe you would include the cover page and the table of contents that identifies the sections that were used in your document.

Data from the Internet changes frequently. So if we're going to use a web page or any information we got from the Internet we need to print it out and include the date it was accessed.

For example, in the leasing EAs associated with the Amigos Bravos lawsuit I mentioned earlier air quality inventories from New Mexico Environment Department were used for the analysis. The links to those inventories were included in the document but when we went back to include them in the administrative record for the lawsuit, those links were inactive. It took us a lot of time and effort and caused a lot of stress just trying to find out where the information could be located so we could include it in the file. And under a short deadline at that.

Another important thing to include plays a large role in the record, both the project file and the record—maps and GIS data. GIS data can change, including the boundaries and shape files used for the analysis. So I'd recommend saving the shape file and the metadata to a DVD or geodatabase for the file.

>> A. Boeder: We had a large GIS and modeling effort. We ended up with several terabytes of information contained on various computer drives. Obviously it's not possible to put a computer hard drive in the file. The way we handled that was we created a document that included important metadata about the GIS information along with the location where we could find those electronic files.

If you have a smaller GIS file that you can fit on a CD or DVD, you can certainly put a copy of that CD in the file but, again, make sure you create a Word document that captures the important metadata such as the author, the date, a description of the source data you used, your methodology you applied to the source data as well as a description of the end project.

I also want to say a little about large maps, particularly in planning efforts, you might have large maps that you use that can be a little awkward. You can handle that a couple different ways. You can fold up the map into an 8 1/2 by 11 size and put it in the file. Or you can also put an electronic version of the map on a CD or DVD. Either way, whether it's hard copy of the map folded or electronic copy, I still recommend folks create a Word document that describes what's on the map and how it was used.

>> M. Stouffer: That's right. It's all about being able to go back to that file later and know what's there and be able to access it quickly just in case you need to compile that for an admin record or whether you just need the information to keep going on your project.

So finally, IMs, IBs, policy, and handbooks: Keep a list of those that were used in the development of your document. This will also save time if needed to include in an admin record later.

For example, a lot of changes are happening right now in the way that we do NEPA associated with oil and gas leasing. The IM on leasing reform is the basis for most of these changes. So you should be including that in the project file for those documents.

So, both internal and external communication need to be in the project file. E-mails between co-workers, other agencies, and the public show the deliberative process, including dissenting opinions. External communications refer to public material that's published for information or in response to public inquiry. Notices are great evidence of attempts at public involvement, which is often a topic of protest or litigation.

Meeting notes, both internal and external, need to be included in the project file. They're often forgotten in ID team meetings that become rather informal but a lot of deliberation and internal scoping happens during those meetings which needs to be captured.

For example, your notes need to be as thorough as possible and they need to include the meeting date, attendees with titles, any topics or proposals discussed, and agreements or recommendations proposed or accepted.

E-mail correspondence records the decision-making process and provides a nice little story line to the document, conveniently dated with authors and receivers.

>> A. Boeder: During our project in western Oregon, our ID team members faced complex controversial issues. There might have been some situations where we occasionally had, let's say, some testy e-mails between ID team members, and that's fine. I think those disagreements are important. It's also important to come to a clear resolution. So always make sure that you close the loop on those disagreements and show how what was resolved. You can either do that by having a summary e-mail or also create a memo to the file.

>> M. Stouffer: That's right, Anne. E-mail makes up a very big part of the project file and I know—as somebody who has had to work with an administrative record that I wasn't involved with—the documents associated with them, those memos to file were very important to me to figure out what e-mails were really important and what the story was telling in those e-mails. So that way I didn't have to search through millions and millions of e-mails from 8 or 20 different people to find out what the story was.

So this is where that better to save than be sorry philosophy really comes into play. You want to save any e-mails that might be relevant and substantive and might show the deliberative process. Save e-mails that include comments or discuss changes, especially direction from management. Make sure attachments are included with the e-mails. However, maybe if you have multiple e-mails that have all the same attachments, just include it once but make sure you note on that e-mail where it can be found.

>> A. Boeder: On our multi-year RMP revision project we had a number of complex situations that evolved over time. An example was how to best handle Section 7 consultation at a planning level.

Well, later on that became a point of litigation. So we had to go back and reconstruct what happened—series of events, meetings, discussions that occurred by sorting through many, many records. After that little exercise was over, I found myself wishing that we had created a memo to the file that provided a history of how things evolved over time. In this case I happened to be around to help with that, but if it had been someone that wasn't affiliated with the project, I think it would have been a nightmare for them to reconstruct what happened.

So just remember, it's very possible that down the line there may be people that really aren't familiar with your project that will need to reconstruct what happened. So a simple one-page summary that gives the time line of what happened, important meetings and decisions and outcomes can be really useful.

>> M. Stouffer: You're right, Anne. So, while I say it's better to save than be sorry, you don't need to keep everything. You can delete some e-mails. Look at the e-mail to make sure it doesn't include any of that relevant deliberation, but you can go ahead and delete those e-mails that might just suggest meeting times or include copies of previous e-mails. To save some space and capture an entire discussion, I recommend saving the longest

chain of an e-mail discussion and delete those smaller versions.

So, we've discussed what to keep in the file, but who maintains it? For smaller projects it's often just going to be the project lead who is in charge of the project file. For larger projects, while the project lead will also probably be very responsible, a records coordinator might also be assigned to assist.

>> A. Boeder: I want to talk a little bit about -- more about quality control, Megan. I found that a quality check by a person that's very familiar with the project is critical. That person, since they're familiar with the project, will have a better sense of what needs to be in the record and what doesn't.

That person can be either the project -- the records coordinator or can be someone else on the project team. I think having someone that's familiar with the project sort of do a consistent monitoring over time is really important because they'll have a really good idea what should be in there.

For example, let's say the biologist on your team is having some important conversations about consultation with the Fish & Wildlife Service. The quality control person, if they're aware of what's going on, can make sure that the biologist is writing up the notes and getting them in the project file.

Another important function is making sure subject lines and titles of the e-mails and documents are accurate. In my experience it's one of the biggest mistakes of having poor or misleading subject lines.
It really creates a problem later on when you're trying to find records.

>> M. Stouffer: You are right Ann. The person who is responsible for compiling the project file and assisting with this very large effort will have a lot of responsibility when it comes to quality control. It might be a lot of work, but it's very much worth it in the end. That person is also responsible for setting expectations and standards, making sure that they are deciding what and when to add to the file. That person also needs to make sure they're regularly reminding the ID team and managers to contribute to the file.

>> A. Boeder: Megan, I'd also like to talk more about quality control, particularly the importance of reviewing the file as you create it. During our plan revision, I was a central reviewer for all the records for the ID team, which I had them send in once a month. Even though I wasn't project file lead, I was helping manage the ID team. So I was really best suited for sorting through all those e-mails and documents to weed out duplicative information, make sure the ID he team members were consistent in what they were submitting.

Also I strongly recommend right at the beginning of the project that you make sure you instruct your ID team members and your managers in their roles and responsibilities and the standards for creating records and submitting them. Particularly, again, for large, complex projects. You don't want that to get away from you. Just make sure they understand how critical their role is in putting together a good project file. In fact, we ended up issuing an instruction memo to our ID team members right at the beginning of the project that laid out their responsibilities and gave them the standards for compiling the record.

>> M. Stouffer: Thanks, Anne. Another person who might be assigned some large responsibility in this project file compiling is the contractors. Often they're assigned that responsibility for maintaining the project file, especially when it's a third party project. So make sure that the statement of work includes the roles and responsibilities of the contractor, including the standards for recordkeeping and the organization that the BLM wants them to follow. One thing that must be understood, the BLM is the owner of these records, not the contractor. The BLM should be keeping their own concurrent project file that's incorporated with those project files as well.

>> L. Garrison: Megan, in Arizona what we do is perform checks with our contractor to verify the project records are being maintained in accordance with our policies and procedures. This helps to ensure that all of the project there will be at the end of the project -- at the end of the project there will be a complete project file that we can rely on.

>> M. Stouffer: That's right, Linda. If you don't have the opportunity to walk over and annoy your contractors, I do suggest making sure your statement of work is extremely clear. Make sure that you are very specific about those sideboards you want your contractor to follow and what you're keeping, how you want it organized and what you want as a product at the end. So depending on the need for the record, there are multiple ways you can store it.

The BLM records policy does require hard copy records of NEPA documents. However, the courts, OHA and IBLA are increasingly requiring electronic versions. Often in the form of a word searchable indexed DVD. These differences necessitate the BLM consider the mechanics and details about how the BLM compiles their project files in the most efficient manner so that it can produce an administrative record that can be filed before a reviewing body.

With these varied policies in mind, I tend to keep an electronic project file during the development of my project and print it at the end in order to comply with BLM policy. Some recommended methods of electronic storage include internal share drivers and Sharepoint sites. Litigation may require reorganization of the project file, so electronic storage does provide an easier transition.

But no matter what the medium, the organization of each project should be similar. On the screen you're see young a scaled down version of an EIS project file organization. This same format should be used for different projects across your office and across your state so you're able to find relevant materials across projects.

The Amigos Bravos lawsuit I mentioned earlier required combining multiple EAs and were difficult to organize into one comprehensive record showing similar methodologies used for analysis. If all the air quality materials were in a similar organization it would have been a lot easier to sift through those and find those specific files to tell that story. There are some sample outlines available on the KRC that show each type of NEPA document and the organization it could take. Share these with your project leads and your contractors and hopefully you can create consistency in your office.

>> A. Boeder: In our plan revisions we ended up using an alphanumeric coding. We thought that would help us be able to search for records electronically later. Even though we designed that project coding ski ma to allow for expandability, we ended up adding more categories than I thought we would. Just a caution for those of you who use that, make sure you allow for a lot of expandability.

Another problem that came up was there wasn't always a clear understanding of what should be included with which codes. For example, the GIS data that supported the fisheries analysis, some folks thought should be included under the GIS code and others thought it should be included in the fisheries code. So it's something we had to work out as we went along.

You're not always going to be able to anticipate all the questions and problems that come up, but I think it's important to jump on those when they happen and it also points to the importance of reviewing project on a consistent basis so you can clear things up when they happen.

>> M. Stouffer: You're right. So you're going to have a variety of projects and the most important thing is to make sure that there is consistency between your projects and that the explanation of that organization is carefully explained to your ID team so they can have some idea where to start. So, should your agency decision be challenged, the project file can be reorganized to form a basis for the administrative record.

BLM prepares and organizes the administrative record and it's reviewed by both the Departmental solicitors and DOJ before being finalized for court review that that the BLM is responsible for creating the electronic administrative record, again on a word searchable DVD with an index and Bates stamping. However, for the larger projects that are some contractors that are available to assist with those services. So all of this work can be made much more simple by starting with a complete and well-organized project file.

Follow the guidance offered by your state and this broadcast and you might be able to reduce a lot of anxiety and stress later on. Thanks.

>> C. Humphrey: Thanks, Megan and Anne. I think we got a lot of very good tips from that. These are a couple of things that I picked up on:

Start early, incorporate into your process so you can make it a habit, write lots of memos to the file to help tell the story, set up standards and expectations for ID team members and contractors. Oregon has a sample letter of direction. We'll post that to the KRC page later.

And the project file forms the basis of the administrative record.

I thought there was a lot of really good information in a short amount of time and I just want to -- I don't know if all of you could write that fast, but we are going to have transcripts when we post this to the KRC. That's what I do a lot of times is just look at the transcripts to get all the good information.