Development of Environmental Impact Statements
BLM – Wyoming State Office

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What is an Environmental Impact Statement?

- An EIS is...
  - Programmatic or site-specific
  - In response to an external proposal or internal impetus
  - Developed when impacts are expected to be significant
    - Significant:
      - Context:
        - E.g. society as a whole, the affected region, the affected interests
      - Intensity:
        - Requires evaluation of direct, indirect, and cumulative effects
EIS Planning

- BLM receives Proposed Action from Proponent
- BLM Pre Plans
  - Internal scoping, public involvement plan, cooperating agency engagement
- BLM publishes Notice of Intent in Federal Register
  - Initiates external scoping period
EIS Planning

- BLM prepares scoping report
- Based on issues identified during internal and external scoping, BLM can then develop:
  - Purpose and Need (Chapter 1)
  - Issues for Analysis (Chapter 1)
  - Range of Alternatives (Chapter 2)
- Chapter 3 – Affected Environment
  - Based on project location, issues identified, and nature of the proposal

*DRAFT EIS*
EIS Planning

- Chapter 4
  - Analysis of Impacts from each alternative
  - Direct and Indirect impacts
  - Identification of any additional mitigation measures
    - Based on analysis, what impacts remain?

- Chapter 5
  - Cumulative impacts
    - All existing and reasonably foreseeable development
    - Identification of any additional mitigation measures

*DRAFT EIS*
EIS Planning

- Publish the Draft EIS for public comment
  - May require publication of a Notice of Availability in the Federal Register
  - Minimum 45 day public comment period for most programs
- Receive comments
  - Differentiate substantive from non-substantive
  - Develop responses
  - Determine what should be changed in EIS
  - Change EIS, as appropriate

*DRAFT to FINAL EIS*
EIS Planning

- Make changes to Draft EIS
- Internal and cooperating agency reviews
- Publish Final EIS for Availability Period
  - May require Notice of Availability in Federal Register
  - Filing with EPA required
  - 30 – day Availability Period – NOT public comment
- In some circumstances, can publish Final EIS and Record of Decision at the same time

*FINAL EIS*
EIS Planning

- As appropriate, incorporate comments received on Final EIS into Record of Decision
  - Any comments received that identify significant new circumstances may result in the development of a supplemental EIS
- Record of Decision documents the selected alternative and mitigation measures
- Publish the Record of Decision
  - May require Notice of Availability in the Federal Register
  - Once Decision is published and signed, may be subject to 30-day appeal period

*Record of Decision*
EIS Planning – and Secretarial Order 3355

- Secretarial Order 3355 (September 1, 2017)
  - Establishes time limits for EIS development of 1 year from publication of Notice of Intent in the Federal Register to the Final EIS
  - Establishes page limits of 150 – 300 (for more complex documents)
- BLM Washington in the process of developing guidance on how to meet these requirements
- BLM will need to strategize how best to meet this requirement
Questions?

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