

Guidelines and Standards for 3rd party NEPA Documents
Bureau of Land Management
Carlsbad Field Office, Carlsbad, New Mexico

In an effort to improve the efficiency of the permitting process and the quality of NEPA documents produced for projects within the Carlsbad Field Office (CFO), the CFO has developed the following guidelines and standards that will apply to all NEPA documents produced by 3rd party contractors for projects occurring within the CFO per BLM New Mexico State Office Instruction Memorandum NO. NM-2015-015 *National Environmental Policy Act Third Party Contracting Protocol*.

Field Work: Surveys; and Analysis:

In order to prepare a proper affected environment and impacts analysis section, the writer of NEPA documents is responsible for conducting all field work and surveys necessary to populate quantitative and qualitative data gaps related to the proposed project and any alternatives developed. For example, in order to comply with the Migratory Bird Treaty Act and do a proper impacts analysis for burrowing owl habitat, a burrowing owl survey would need to be conducted within the project area. These surveys can be conducted in conjunction with an initial onsite inspection or done separately, but must be completed prior to analysis. It may be necessary to conduct some of these surveys prior to picking a proposed action location. For example, it may be beneficial to conduct surveys for Sand Dune Lizard habitat during the initial onsite inspection to move the proposed project location into an acceptable location. Moves of this nature should be described within the NEPA document under the appropriate resource section. Surveys and analysis will only be accepted from individuals determined to have qualified expertise related directly to the resource being addressed. Professional qualifications are listed later in this document.

Some resource information may be available from BLM GIS data. However, most proposed projects will require field surveys. Below is a non-exhaustive list of resource data within the proposed project area that will need to be analyzed for affected environment and impacts analysis sections.

Range Resources: Locations of existing range study plots; location of allotment boundaries; location of range improvement projects (fences, pipelines, water features, etc.); acreage of allotments, permitted AUMs on the allotment.

Soil, Water, and Air Resources: Soil types present; slope degrees for cut-and-fill and erosion analysis; drainages (rills, gullies, and draws); proximity to mapped floodplains, playas etc.

Vegetation: Specific vegetation on locations (genus level); areas previously treated for vegetation control; presence of noxious weeds throughout seasons.

Visual Resource Management: Contrast ratings worksheets and application of proper color from BLM standard color charts for mitigation.

Recreation: Identification of disbursed and focused recreational activities in the area including desired setting for these activities; distance to recreational improvements; seasons/times of use associated with recreational activities.

Wildlife: Presence or absence of bird nests, owl burrows, prairie dog burrows, and natural nesting structures; distance to unique habitat features (playas, tree stands, etc.); distance to wild life improvement projects (wildlife waters, artificial heronries, shade structures, etc.).

Special Status Species Wildlife and Plants: Identification of suitable Dunes Sagebrush Lizard habitat within the proposed project area; distance from Lesser Prairie Chicken HEA/HA; Robel impacts analysis for projects within 1 mile of HA/HEA; botanical surveys for any proposed projects occurring in suitable special status plant habitat.

Riparian Resources: Distance to riparian areas in proximity to the proposed project.

Karst Resources: Identification of any karst features present within 200 meters of proposed disturbance. Enterable cave entrances without previous interior surveys may have to be surveyed and mapped to determine whether their extent occurs below proposed disturbance.

Cultural Resources: Class III cultural resources survey within the area of potential effect (APE).

Potash Resources: NEPA documents prepared for projects within the Secretary's Potash Area that may impact potash resources will be prepared internally by the BLM. The exception to this will be EAs prepared for APDs that will be located on a BLM-approved drill island or, at the request of the BLM, EAs prepared to analyze the location of a drill island.

Additional Requirements:

Some projects require the presence of a BLM representative for the initial onsite inspection. If a party outside the BLM is preparing the NEPA document for a project, a representative from that party must be present at the onsite, and will be responsible for taking notes and providing documents needed for the preparation of the NEPA analysis. The project proponent will be responsible for providing information to the NEPA document writer that is necessary to promulgate the analysis. This information may include but is not limited to: a detailed proposed project, survey data, plats, maps, legal descriptions, etc.

The proponent will need to provide a complete, detailed description of all aspects of the proposed project for analysis. This will include construction methods and techniques (equipment used) and time lines (permit approval to interim reclamation) associated with the project. For example, if blasting is being proposed for the leveling of a well pad, that needs to be included in detail for analysis. An approximate start time for construction and length of construction time will help in the analysis of impacts to resources such as wildlife that may vary depending on the time of year.

The NEPA document writer will be responsible for taking a leading role in conducting all scoping, whether external or internal, to determine which resources and issues need to be analyzed in detail within the EA. Maps and other Geographical Information System (GIS) data that may assist in this task are available on the BLM New Mexico website. The BLM may require external formal scoping meetings on some projects. The NEPA document writer will be responsible for organizing and conducting these meetings under the guidance of the BLM. The NEPA document writer may submit a list of issues identified for analysis to the BLM prior to beginning work on the document for concurrence.

Document Preparation:

The NEPA document writer will be responsible for all aspects of document preparation including site-specific affected-environment-and-impacts analysis. The BLM may provide, at the request of the writer, generalized resource language that may be used within the document. However, the writer must alter this language to be project-specific. For example, generalized Visual Resource Management language may be provided by the BLM, but the writer will be responsible for conducting VRM contrast ratings worksheets and authoring site-specific VRM impacts analysis.

The writer will be responsible for creating maps and/or graphics needed within the document. He/She will also be responsible for conducting any calculations related to acreage, distance, etc., needed for impacts analysis. The BLM has provided GIS data on the BLM New Mexico website that can aid in this task.

The document writer is responsible for submitting a complete, error-free document with all components required by the NEPA as well as any additional items requested by the CFO. Any documents received by the BLM that contain errors, or are missing information, will be returned to the author after initial review by BLM. If a document is found to contain everything necessary, it will then be routed to BLM resource specialists for review. Any issues discovered either in affected environment or impacts analysis sections will be noted on a comment form and submitted to the author with a note to the proponent outlining the deficiency. Corrections and edits to the document will be the sole responsibility of the writer. Depending on the scale of the project or issues that arise during scoping, the BLM may require a range of action alternatives to be developed and analyzed.

Along with the NEPA document, the writer will submit any reports or field notes associated with surveys conducted during preparation of the document. These notes and surveys will include the names of persons that conducted, authored or prepared them.

Qualifications of Third Party NEPA Contractors:

Third Party contractors writing NEPA documents and field data collectors must meet minimum criteria qualifications with regard to education and experience to ensure that a defensible, informed, objective analysis is completed. These standards are held for documents prepared within the BLM and will be held for documents produced externally for the BLM as well. Documents prepared and submitted by individuals without these qualifications will not be accepted. Prior to submitting a NEPA document to the CFO, all individuals authoring or otherwise contributing to NEPA documents must submit their names, areas of expertise, education and experience related to their role in the preparation of these documents. For firms completing more than one document for the CFO this information need only to be submitted in detail once. It will be kept on file at the CFO for future reference. Each NEPA document needs to include all the names of individuals who helped prepare it and their area of contribution(s) (*i.e.*, "John Deer, Wildlife Biologist/Riparian Specialist").

General Author, compiler, editor: Must have a demonstrated work history in preparing and/or editing NEPA documents. Must have the ability to ensure that proposed actions are in compliance with current CFO guidance. For example, if an APD is proposed in an area identified as NSO in the CFO RMP, it is not in compliance with the RMP. References or examples of other NEPA documents authored may be used for proof of this experience.

Karst: Must have 2 years full-time demonstrated experience in identifying and documenting all

types of karst features in Southeast New Mexico. Surveyors must have experience using GPS to record the location of karst features as well as experience preparing survey reports documenting detailed descriptions of features. For caves determined to need interior survey, surveyors must have documented experience in performing cave survey and mapping techniques to BLM standards and data management experience in COMPASS or similar programs.

Public Health and Safety: Authors must be able to identify potential public health and safety issues for all phases of the proposed project (construction, production, abandonment)

Range: Demonstrated knowledge of geographic information systems and their use to identify documented range improvement projects on existing GIS data sets. Demonstrated ability to identify range improvement projects and range study plots on the ground and document their distance and impacts from proposed projects.

Recreation: Must have the ability to utilize GIS and existing BLM management plans to identify the presence of special recreation areas within the project area. Must be able to identify potential impacts to recreational activities occurring in the project area.

Riparian: Must have the ability to identify riparian habitat via existing GIS data sets and evaluate distances from proposed projects to these habitats.

Soils, water, and air resources: Must have the ability and experience using GIS data sets to identify soil types using existing soil data. Must be able to determine surface water flow patterns in the proposed project area and suggest appropriate mitigation measures to reduce erosion and prevent impeding or altering surface flow regimes. Must be able to identify project proximity to mapped flood plains and make recommendations for moving projects to acceptable distances from these features.

Special Status Species: Must meet the requirements for Wildlife plus have demonstrated experience in identifying special status species and their habitat along with specific experience mitigating impacts to specific Special Status Species plants, animals and habitat that are identified within the proposed project area.

Vegetation and Noxious Weeds: Individuals collecting field data for the population of vegetation sections in NEPA documents must be able to identify and document dominant vegetation types located within the project area by genus as well as the presence of any noxious or invasive weeds.

Visual Resources Management: Must have documented training and experience working with BLM's Visual Resource Management program. Must specifically have experience in evaluating impacts of energy development projects on visual resources. Must have documented training and experience conducting site-specific VRM evaluations and filling out BLM's Visual Contrast Ratings Worksheets.

Wildlife: Must have a 4-year degree in wildlife biology, demonstrated experience in conducting avian surveys and preparing survey reports or 4 years full-time experience conducting successful avian surveys, other biological surveys and preparing survey reports.

