

## H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK

## CHAPTER I - SCREENING FOR NEPA COMPLIANCE

A. General. All internally or externally proposed actions on or affecting public lands or resources under BLM jurisdiction must be reviewed for NEPA compliance. The first step in the NEPA process is to screen the proposed action in order to determine the appropriate response for ensuring NEPA compliance. Proposed actions fall into one of five categories: (1) actions which are exempt from NEPA; (2) actions which are categorically excluded; (3) actions which are covered by an existing NEPA environmental document; (4) actions which require preparation of an environmental assessment (EA) to determine if an environmental impact statement (EIS) is needed; or (5) actions which require preparation of an EIS. The NEPA procedural and documentation requirements are different for each category. Each category is briefly defined below. A flow chart depicting the screening process is shown in Illustration 1.

B. Actions Which Are Exempt From NEPA. There are three major types of actions which are exempt from NEPA procedural or documentation requirements:

1. Congressionally Exempt Actions. Some actions are Congressionally exempt from NEPA compliance. Such actions are listed in Appendix 2.

2. Emergency Actions. Certain emergency circumstances which require immediate action, though they may have significant environmental impacts, are exempt from CEQ's regulatory provisions for implementing NEPA (40 CFR 1506.11). In the event of such an emergency, agencies must consult with CEQ. Guidance on such consultation is discussed in 516 DM 5.8.

3. Rejections of Proposed Actions. A proposed action may be rejected under another statutory or regulatory authority without NEPA review. For example, a proposed action may be rejected on the basis that it is not within the BLM's authority to approve or is not in conformance with the applicable land use plan and is judged not to warrant further consideration.

C. Actions Which Are Categorically Excluded. Actions that are included on the list of categorical exclusions (516 DM 2, Appendix 1 and 516 DM 6, Appendix 5) and that are found through review not to meet any of the ten exceptions to categorical exclusion (516 DM 2, Appendix 2) do not need to be addressed in an EA or EIS (see Chapter II).

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D. Actions Which Are Covered by an Existing EA or EIS. Actions which are covered, at least to some extent, in an existing EA or EIS prepared by the BLM or another agency may not have to be analyzed in a completely new environmental document.

Relevant existing EA's and EIS's should be reviewed to determine if the proposed action is already fully covered. If an existing EA or EIS, either prepared by the BLM or prepared by another agency with the BLM as a cooperating agency (40 CFR 1506.3(c)), fully covers the proposed action, then a decision on the action may be made without any further NEPA analysis. If an existing EA or EIS prepared by another agency without the BLM as a cooperating agency fully covers the proposed action, then it is necessary for the BLM to adopt the document before proceeding on the action (40 CFR 1506.3). If an existing document does not fully cover the proposed action, then a new NEPA document must be prepared. In such cases, it is often possible and efficient for the new EA or EIS to supplement (40 CFR 1502.9(c)) or be tiered to (40 CFR 1502.20) the existing NEPA document.

In the BLM the existence of previously prepared environmental documents, which are, related to the proposed action, is the norm rather than the exception. The EIS prepared when developing a resource management plan (RMP) provides NEPA coverage for many actions affecting the public lands and resources. Thus, a review of the relevant resource management plan and its associated EIS (RMP/EIS) is essential.

See Chapter III for instructions on reviewing existing EA's and EIS's and how to proceed under the circumstances. If additional NEPA documentation is required, see Chapter IV on EA's or Chapter V on EIS's.

E. Actions Which Require an EA. Actions which are neither categorically excluded, covered in an existing environmental document, nor normally subject to the EIS requirements (516 DM 6, Appendix 5) must be analyzed in an EA to determine if an EIS is needed (see Chapter IV).

F. Actions Which Require an EIS. Actions normally requiring an EIS (516 DM 6, Appendix 5) and other actions whose impacts are expected to be significant and which are not fully covered in an existing EIS must be analyzed in a new or supplemental EIS. An EIS should also be prepared if, after or during preparation of an EA, it is determined that the impacts of the proposed action are significant (see Chapter V).

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NEPA Screening Process

