

H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK

CHAPTER VIII - ADMINISTRATIVE PROCEDURES

A. Introduction. This chapter provides guidance on procedures for filing EIS's with the Environmental Protection Agency (EPA), publishing notices in the Federal Register, maintaining and storing official environmental records and documents, and reporting on the status of NEPA compliance activities.

B. Filing EIS's with EPA.

1. General. All draft, final and supplemental EIS's must be filed with EPA (40CFR 1506.9). The Federal Register publishes a notice prepared by EPA every Friday. The notice lists all draft, final, and supplemental EIS's received and filed with EPA during the previous week.

2. Significance of EPA Publication Dates.

a. Minimum time periods for public review or for determining when a decision may be reached or implemented are calculated from the date the EPA notice is published in the Federal Register (see 40 CFR 1506.10).

b. The date the EPA notice appears in the Federal Register serves as the official date for announcing the availability of a draft, final, or supplemental EIS.

3. Procedure for Filing with EPA. The following procedures should be followed to ensure timely publication of the EPA notice:

a. Prepare a transmittal letter to EPA. Be sure to indicate the desired length of the public review period if longer than 45 days. A specific date may be requested for the EIS to be listed in the EPA Federal Register notice (Friday publication dates only).

b. Mail or deliver the transmittal letter, and five copies of the draft, final, or supplemental EIS with a complete distribution list, either printed or inserted in the EIS, of individuals and organizations that have been provided a copy (addresses not necessary) to:

Office of Federal Activities (A-104)
Environmental Protection Agency, Room 2119 Mall
Attn: Management Information Unit
401 M Street, S.W.
Washington, D.C. 20460.

H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK
Chapter VIII - Administrative Procedures

c. Ensure that the transmittal and required attachments are sent to EPA in a sufficient time to ensure that Federal Register publication occurs on the intended date and public review period requirements are satisfied (see Chapter V, Paragraph B.3). The documents must be received by EPA at least 5 business days prior to the date the notice will appear in the Federal Register. Documents must be received in the Office of Federal Activities before 2:30 p.m. to be logged as received for that business day.

d. Concurrent with the transmittal to EPA, provide a copy of the transmittal letter, including the distribution list, and five copies of the draft, final, or supplemental EIS to the Office of Environmental Project Review (OEPR, MIB - Rm. 4239). Contact OEPR (FTS 343-3891) to obtain the Environmental Statement (ES) control number. (See PEP Memorandum No. ES85-2 for special requirements associated with filing nondelegated EIS's.) Immediately provide the ES control number to EPA (FTS 382-5074). The EPA will not prepare a notice to be published in the Federal Register without the ES control number.

e. Prior to or on the same day copies are transmitted to EPA, distribute copies of the EIS to individuals or organizations included on the distribution list. (See Chapter V and Appendix 8 for discussion of distribution requirements for EIS's.)

C. Publishing Notices in the Federal Register.

1. General. The BLM is required to publish the NOI to prepare an EIS in the Federal Register (40 CFR 1501.7). For actions with effects of national concern or if required by program-specific guidance, the BLM must also prepare an NOA for draft, final, and supplemental EIS's. Unlike the EPA notice, the BLM NOA is sent directly from the BLM to the Office of the Federal Register (OFR) and includes a description of the project (see Chapter V). In some cases, an NOA may be issued on an ROD. Other notices for announcing public meetings, hearings, or the availability of EA's may also be published in the Federal Register.

2. Procedures for Publishing in the Federal Register The OFR has established procedures and formats to be used when preparing a notice for publication. Individuals should consult the latest version of the Document Drafting Handbook prepared by OFR for detailed guidance on the preparation of notices for publication in the Federal Register.

a. Notice Document Requirements. Each notice document must meet certain publication requirements including the billing code, proper headings, citation of authority, and signature (see Illustration 1).

(1) The billing code must appear on each document submitted for publication. Billing codes are assigned by the Government Printing Office and may be obtained from the agency's printing officer.

8-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK
Chapter VIII - Administrative Procedures

(2) Headings for documents to be published in the Federal Register are to be formatted as described in Illustration 1.

(3) Authority citations may appear in narrative form within the text or in parentheses on a separate line following the text.

(4) Notices must be signed by an authorized official.

(5) The OFR recommends using the standard preamble format prescribed for rulemaking in the preparation of notices.

b. Typing and Format Requirements (see Illustration 1). The OFR requires that documents meet the following typing and format standards.

(1) Be prepared on 8 1/2 by 11 inch bond paper or photocopy.

(2) Be typed on one side of paper and double spaced. Quoted material, footnotes, and notes to tables may be typed single spaced.

(3) Have a one inch margin on the top, bottom, and right side of page, and a one and one-half inch margin on the left.

(4) All headings must be typed flush with the left margin. Section headings must be typed out in full on a line separate from text and underlined. Pages of the document must be numbered consecutively.

(5) The following items should be typed in all capital letters:

FEDERAL REGISTER
Name of agency (but not the name of the sub-agency)
Preamble captions (see Illustration 1).

(6) Use of abbreviations, symbols and style must be in accordance with guidance in the Document Drafting Handbook prepared by the OFR.

(7) Signature must be in ink and appear on a page with text. The name and title of the individual who signs the notice, must be typed directly below signature. No second party signatures will be accepted.

c. Submission Requirements.

(1) The notice must be submitted in triplicate to the OFR. Duplicate originals are recommended, i.e., each original is signed in ink by the issuing official. It is permissible to submit one original and two copies each with an original signature, or one original and two certified copies. Certified copies must include the name and title of the issuing official typed or stamped on the copy, a statement that reads "Certified to be a true copy of the original document," and the signature of the certifying official.

H-1790-1 -NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK
Chapter VIII - Administrative Procedures

(2) Documents sent through the regular mail must be addressed to:

The Office of the Federal Register
National Archives and Records Administration
Washington, D.C. 20408

(3) Documents delivered by messenger services, overnight delivery, or Express Mail must be delivered to:

The Office of the Federal Register
Room 8301, 1100 L Street, NW
Washington, D.C. 20005

d. Publication Date. Notices are published in the Federal Register on the third business day after they are received by the OFR (e.g. if notice document is received and accepted by the OFR on Monday, the Federal Register notice is published on Thursday).

D. Recordkeeping Procedures. The following provides specific guidance on maintaining NEPA related records and documents.

1. Environmental Documents and Supporting Records. Environmental documents are identified in 40 CFR 1508.10 and include: environmental assessments (EA's); findings of no significant impact (FONSI's); notices of intent (NOI's); and environmental impact statements (EIS's). The CEQ indicated that it also intended that records of decision (ROD'S) be treated as environmental documents (see 46 FR 18026, 1981, Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations). Supporting records consist of all materials generated or used in the preparation of environmental documents. Such records include, but are not limited to: decision records prepared for EA's; mailing lists; summaries of public meetings including lists of attendees; written comments received; responses to such comments; records related to interagency/intergovernmental consultation and coordination such as interagency agreements or memoranda of understanding, if any; documents or studies incorporated by reference; materials submitted by applicants; and any records associated with contractual work related to the preparation of environmental documents. Particularly important are records associated with cost recovery, including Forms 1323-1 and 1323-2, cost estimates, and quarterly billings (43 CFR 2808.3-1, 2883.1-1; BLM MS 1323).

a. Official file copies of BLM environmental documents and supporting records must be maintained by the originating office. Generally, they should be filed with other documents, case files, or records related to the project or plan covered by the environmental document or cross-referenced to other pertinent files.

H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK
Chapter VIII - Administrative Procedures

b. Environmental documents and documents incorporated by reference must be made available to the public (40 CFR 1506.6). The lead State Office (or Washington program office for programmatic or legislative environmental analyses) shall determine where and for how long copies of environmental documents and documents incorporated by reference shall be maintained. In some instances, program-specific guidance identifies distribution and availability requirements, e.g. RMP/EIS's (BLM MS 1602.26). At a minimum, at least one copy of draft, final, and supplemental EIS's and ROD's must be available in the lead State Office or Washington program office, as appropriate.

2. Other Environmental Records. Environmental records, other than those identified in Paragraph D.1. above, include, but are not limited to: categorical exclusion review records, if any (see Chapter II); review records which verify that a proposed action is fully covered in an existing EA or EIS (see Chapter III); and responses to requests for review of other agency environmental documents (see Chapter VII).

a. Official file copies of other environmental records must be maintained by the originating office.

b. In the case of records relating to reviews of other agency environmental documents, the BLM office which actually assembles comments and prepares the response should maintain the official files. Thus, when the BLM is assigned as lead agency for the Department in responding to other Federal agency EIS's, the State Office or Washington program office assigned to prepare the response maintains the official files for the Department as well as the BLM (i.e., maintains all support materials used in preparing response).

E. Reporting Procedures. In order to coordinate and manage compliance with NEPA and to meet Departmental reporting requirements, WO-760 requires summary information and data on environmental management activities as well as copies of certain official records. These requirements are summarized below.

1. Quarterly EIS Status and Progress Report State Directors are required to submit a quarterly EIS status and progress report to WO-760 on accomplishments for the previous quarter and projected future accomplishments.

a. Due Dates. The report is due in WO-760 by the close of business on the first business day of the month following the end of each quarter (the first business day of January, April, July, and October).

b. Transmittal of Report. The report may be submitted on hard copy via express mail. To expedite handling, it is recommended that the report be transmitted via electronic mail. If transmitted via electronic mail, a hard copy is not required.

H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK
Chapter VIII - Administrative Procedures

c. Content of Report. For each EIS underway (where the BLM has the lead or is a cooperating agency), provide the following information:

(1) Washington Office organizational code for the office or division that has the programmatic lead responsibility.

(2) Full official name or title of the EIS. If this is a supplement to an existing draft or final EIS, identify it as such in the title.

(3) The BLM's role in the preparation of the EIS, e.g., sole lead, lead with other agencies cooperating, or cooperating.

(4) State Office contact for the EIS, office code or location, and phone number. The State Office contact does not necessarily have to be located in the State Office.

(5) Washington Office contact for the EIS, if any, office code or location, and phone number.

(6) Actual date (month/day/year) the Notice of Intent was published in the Federal Register.

(7) Actual date the preparation plan was approved (signed). The preparation plan is sometimes integrated into other documents. The approval of such other documents may serve as preparation plan approval date (e.g., SD approval of RMP preplanning analysis; contract officer's approval of EIS contract).

(8) Projected date (month/year) for the EPA notice on the draft EIS to appear in the Federal Register.

(9) Actual date (month/day/year) the EPA notice on the draft EIS appeared in the Federal Register.

(10) ES control number for the draft EIS (assigned by OEPR).

(11) Projected date (month/year) for the EPA notice on the final EIS to appear in the Federal Register.

(12) Actual date (month/day/year) the EPA notice on the final EIS appeared in the Federal Register.

(13) ES control number for the final EIS (assigned by OEPR).

(14) Projected date (month/year) the ROD will be signed by the approving official or become effective.

(15) Actual date (month/day/year) the ROD was signed or became effective.

8-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK
Chapter VIII - Administrative Procedures

d. Reporting Changes in Status. In order to meet Departmental reporting requirements (monthly), State Offices should notify WO-760 of any changes in EIS status between reporting periods as they occur. Such notification may be made via regular or electronic mail or by telephone.

2. Annual EA Summary Report. State Directors are required to submit an annual EA summary report to WO-760.

a. Due Date. The annual summary report is due in WO-760 by the close of business on the first business day of October.

b. Transmittal of Report. The report may be submitted on hard copy or via electronic mail.

c. Content of Report. Identify the total number of EA's completed and FONSI's approved (signed) for the fiscal year ending September 30.

3. Copies of Official Records. For RMP/EIS's and plan amendment EIS's, submit to WO-760 a copy of, when completed or approved, the draft EIS, final EIS, any supplemental draft or final EIS, and the signed ROD.

4. Special Reports. On occasion, WO-760 may request more detailed information on NEPA related activities. Generally this is in response to special requests from the Department or the CEQ. Such information should be available from the originating office where official NEPA records are maintained. State Offices should develop procedures to ensure that they can readily retrieve information and data from official NEPA files, including those which have been archived, to respond to special requests.

E-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK

Chapter VIII - Administrative Procedures

FORMAT FOR FEDERAL REGISTER SUBMISSIONS

THE DOCUMENT

- Bond paper or legible photocopy.
- Margins as shown.
- Typed name and title.
- Three originals or one original and two certified copies.
- 8½" x 11"
- Double space text.
- Ink signature.

