

43 CFR 3809 NEPA EVALUATION REPORT

Bureau of Land Management-Alaska

April 26, 2011

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I. Background

In March 2009, BLM-Alaska evaluated National Environmental Policy Act (NEPA) documents for compliance with the BLM NEPA Handbook (H-1790-1, 2008). As part of the 2009 NEPA Evaluation, BLM-Alaska issued Instruction Memorandum No. AK-2009-027, which reinforced NEPA requirements. The IM-AK-2009-027 also included a list of Action Items; one was to complete a more in-depth NEPA evaluation of the surface management approvals covered by 43 CFR 3809 (“3809”). The 3809 approvals were highlighted due to increased attention on mining activities related to controversial Resource Management Plan (RMP) decisions recommending lifting of mineral withdrawals, and increased attention in Alaska on large mining operations. The 2009 NEPA Evaluation did not find more deficiencies in 3809 approvals relative to other programs, but instead found that the heightened attention on the 3809 approvals warranted a closer look into the NEPA process.

II. Summary

On September 29, 2010, the Acting State Director issued IM-AK-2010-024, describing the evaluation process for the 43 CFR 3809 NEPA authorizations. In November 2010, an interdisciplinary team, comprised of managers and resource and planning specialists, was formed to conduct an evaluation of NEPA documents that support surface management operations related to mining claims. The Evaluation Team interviewed personnel and reviewed NEPA documents. This report is a summary of the evaluation, and explains the objectives; the methods used; describes the Findings, Observations, Requirements and Recommendations; and lists specific Action Items.

The primary finding of the evaluation was that the operators are not typically providing BLM-Alaska with sufficient information to satisfy the regulatory requirements found in 43 CFR 3809. Because operators generally failed to submit all required information, the associated NEPA analysis did not meet all of BLM’s NEPA requirements. The review also noted that NEPA documents were generally improved compared with the documents reviewed in the 2009 NEPA Evaluation. Improvements in NEPA documents are attributed to improved staff and manager attention to requirements and guidelines in H-1790-1 related to the past 2009 NEPA Evaluation and NEPA training occurring in 2010 and 2011.

Through the review process, other concerns related to the 3809 program, such as bonding pool and notice-level surface management actions, were identified. These concerns are outside the scope of NEPA; therefore are not covered in this report.

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III. Evaluation Objectives

The following are the objectives of the evaluation:

1. Determine how BLM-Alaska complies with NEPA requirements related to mining surface management actions.
2. Determine how BLM-Alaska is appropriately incorporating the land use plan goals, objectives, required operating procedures (ROPs), and decisions into the NEPA analysis for surface management actions related to mining.
3. Determine how mitigation measures are being developed and monitored.
4. Determine what guidance or training is necessary to assist field offices in complying with NEPA and 43 CFR 3809 regulations and policies.
5. Develop Action Items to assist field offices in improving NEPA documents related to mining surface management authorizations.

IV. Methods

The Evaluation Team (VII.A. Evaluation Team Members), made site visits to the Anchorage and Fairbanks District Offices, and conducted interviews with staff and managers (VII.B. Evaluation Dates; VII.C. Personnel Interviewed). The interviews with thirteen staff and managers helped the Evaluation Team determine how internal processes are used in developing 3809-related NEPA documents (VII.D. Interview Questions).

During the site visits, the Evaluation Team also reviewed recent NEPA documents and associated Plans of Operations prepared by Field Offices related to 43 CFR 3809 approvals. Although the NEPA documents were the focus of the review, some case files were consulted to provide background information for answering some of the document review questions. Anchorage and Fairbanks District Evaluation Team members reviewed the other District's documents, and Alaska State Office Evaluation Team members reviewed documents from both Districts. The Evaluation Team reviewed eight Environmental Assessments (EAs): Fairbanks (4) and Anchorage (4) (VII.E. NEPA Documents Reviewed; VII.F. Document Review Questions). The Evaluation Team selected the EAs to provide a representative sample of recently prepared NEPA documents.

V. Findings, Observations, Requirements and Recommendations

The following sections describe the Evaluation Team's Findings, Observations, Requirements and Recommendations. The Findings and Observations reflect general responses and situations discovered through interviews and document reviews. Through interviews, the Evaluation Team noted a variety in responses that were sometimes inconsistent within and among offices. Similarly, the Evaluation Team noted differences in the NEPA documents and not all Findings and Observations apply to all NEPA

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documents reviewed. The most recent EAs followed the NEPA policies more completely, while the older ones were typically missing key components. The following Findings and Observations respond to general trends and situations that were encountered through document reviews and interviews but do not reflect all of the interviews and documents the team evaluated.

3809 Surface Management NEPA Findings and Requirements

Findings highlight deficiencies of specific written requirements, such as laws and regulations.

Requirements are those specific actions, derived from the Code of Federal Regulations (CFR), Instruction Memoranda (IM), and the BLM NEPA Handbook (H-1790-1), to address the deficiencies cited in the *Findings*.

Finding	Requirement
1. Incomplete Plans of Operations	
<p>The Annual Placer Mining Application (APMA) was submitted for all surface management approvals reviewed in the 3809-NEPA Evaluation. However, the APMA does not include all of the BLM requirements for Plans of Operations. Each Plan of Operations and associated EA reviewed during the Evaluation was missing at least some of the components required under 43 CFR 3809.401(b). The Evaluation Team found that operators submitted basic operator information (43 CFR 3809.401(b)(1)), but other components were missing. The findings and requirements associated with incomplete Plans of Operations are further described in the following findings: Description of Operations, Reclamation Plan, Monitoring Plan and Interim Management Plan.</p>	<p>BLM must only accept complete Plans of Operations that include the required components and information necessary to complete adequate NEPA analysis per 43 CFR 3809.401(b). The 2010 Draft Surface Management Handbook (Draft H-3809-1) provides more details on what type of information the Operator must provide for a complete Plan of Operations. Detailed information is required to develop a complete description of the Proposed Action alternative in the NEPA document (see BLM NEPA Handbook, H-1790-1).</p>
1. A. Incomplete Plan of Operations – Description of Operations	
<p>Many of the plans lacked sufficient description of the practices proposed, detailed maps, and schedule of operations. Many plans were also missing specific plans for water management, and spills.</p>	<p>BLM must ensure each submitted Plan of Operations includes required information describing the operations (43 CFR 3809.401(b)(2)). The operator should provide, in sufficient detail to complete analysis through the NEPA process, a description of their proposed equipment, devices, and practices. This includes a schedule of operations from start to closure and maps in sufficient scale and detail to show the location of exploration and mining activities, including waste rock and tailing disposal areas, support facilities and structures, and access routes. Operators must also provide pertinent plans such as spill contingency plans and a water management plan to address manipulation or use of water, including storm water. More details on Description of Operations, including water management plans, are included in Draft H-3809-1.</p>

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Finding	Requirement
1. B. Incomplete Plans of Operations – Reclamation Plans	
<p>All Plans of Operations did include some reclamation actions as part of the APMA; however most lacked sufficient detail. The APMA Reclamation Plan requirements do not meet most of BLM’s requirements for Reclamation Plans.</p>	<p>BLM must ensure each submitted Plan of Operations includes all applicable requirements for Reclamation Plans. These details are needed for adequate NEPA analysis. Regulations at 43 CFR 3809.401(b)(3) require operators in their Reclamation Plans to describe how they will meet the performance standards in 43 CFR 3809.420, with a description of the proposed equipment, devices, or practices.</p> <p>Operators are also required to submit detailed information for reclaiming surface disturbance (such as riparian mitigation, wildlife habitat rehabilitation, revegetation, etc.) that are not explicitly addressed in the APMA. If the Plan of Operations includes drill holes, facilities, or use of toxic materials, then plans for reclaiming these types of activities must also be included. The Reclamation Plan must also include a plan for post-closure management. More details for Reclamation Plan requirements are included in the Solid Minerals Reclamation Handbook (H-3042-1) and Draft H-3809-1 (Chapters 4.3 and 5.3).</p>
1. C. Incomplete Plans of Operations – Monitoring Plans	
<p>Of the eight EAs and Plans of Operations reviewed, only the most recent approvals contained a Monitoring Plan. The APMA does not require a Monitoring Plan as part of the application.</p>	<p>BLM must ensure all Plans of Operations include Monitoring Plans meeting regulation requirements in 43 CFR 3809.401(b)(4). Monitoring Plans should address mitigation requirements proposed by the operator and described in the NEPA documents. In addition, Monitoring Plans should address prevention of unnecessary and undue degradation.</p> <p>Monitoring Plan requirements are also further described in H-3809-1. The Council on Environmental Quality (CEQ) has recently published requirements for mitigation and monitoring that reinforce the need for complete Monitoring Plans as part of a Plan of Operations (see CEQ memo, January 14, 2011, Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impacts).</p>
1. D. Incomplete Plans of Operations – Interim Management Plans	
<p>An Interim Management Plan was included with only the most recent Plan of Operations reviewed. The APMA does not require an Interim Management Plan as part of the application.</p>	<p>BLM must ensure all Plans of Operations include an Interim Management Plan in compliance with 43 CFR 3809.401(b)(5). Interim Management Plans, or plans to manage the project during periods of temporary closure (e.g., winter), must address: measures to stabilize excavations, control of toxic materials, storage or removal of equipment and structures, safety measures, monitoring, and schedule of closures. The Draft H-3809-1 includes more details on requirements for Interim Management Plans.</p> <p>Actions undertaken as part of interim management should be analyzed in the NEPA document.</p>

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Finding	Requirement
1. E. Incomplete Plans of Operations – Performance Standards	
Most Plans of Operations reviewed lacked the information necessary to demonstrate compliance with the general and specific performance standards specified in 43 CFR 3809.420.	BLM must ensure that Plans of Operations submitted are specific enough to demonstrate the operator is complying with general and specific performance standards in 43 CFR 3809.420. Descriptions of measures taken to meet generic and specific performance standards (i.e., to prevent unnecessary and undue degradation) are essential for adequate NEPA analysis. The H-3042-1 and Draft H-3809-1 (Chapter 5.3) address performance standards in more detail.
2. Public Notice	
The Evaluation Team discovered that there was not a clear understanding of how field offices should publish (or post) notices of availability after receiving a complete Plan of Operations. Such notice, if provided, was not documented in most of the EAs reviewed. Offices that did provide public notice (either currently or in the past), have not received any public comments.	Upon receipt of a complete Plan of Operations, the BLM must publish a notice of availability of the plan and accept public comment for at least 30 calendar days (43 CFR 3809.411(c)). Posting the notice of the NEPA document to the NEPA Register (IM-AK-2011-010) will meet the minimum requirement to publish a notice of availability; posting a notice that BLM is accepting comment on the Plan of Operations for 30 days will meet the public comment requirements. Discussion of these public notices and public comment received should be included in the scoping and public involvement section of the EA.
3. NEPA Analysis Processes	
Many EAs lacked required NEPA analysis components, including adequate purpose and need, identification of issues, adequate discussion of direct, indirect and cumulative impacts, and reasonable range of alternatives.	NEPA document preparers and managers must ensure all of the required NEPA components and analysis steps are included for all EAs. Detailed requirements for NEPA analysis components are included in H-1790-1 and are highlighted in IM-AK-2009-027.
4. EA – FONSI and DR	
For many of the EAs, the Finding of No Significant Impact (FONSI) and Decision Record (DR) did not meet requirements in the H-1790-1. In some EAs, the actual BLM decision made was not clear because some components of the decision were missing.	The FONSI should address the context and intensity factors. The FONSI and DR must be signed separately, and the DR must follow BLM requirements in H-1790-1 (Chapter 8.5.1). Managers must ensure that the BLM decision is clear and precise, as required in H-1790-1, 8.5.1. The DR should describe as precisely as possible specific features of the decision. The DR should identify mitigation and monitoring measures that will be implemented.
5. EA – Mitigation and Monitoring	
Some of the EAs reviewed identified mitigation measures, but none of the EAs referenced an associated monitoring plan in the DR as required in H-1790-1, 10.1, page 106.	If an EA includes mitigation measures, especially those that reduce the level of impacts below the threshold of significance, managers must ensure that mitigation measures are appropriately analyzed, adopted and monitored. All applicable Required Operating Procedures (ROPs) that are developed from the governing land use plan should be included as part of the mitigation or included as a design feature of the Proposed Action and Alternatives (as appropriate). See related Finding #1. C. Plans of Operations – Monitoring Plans.

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3809 Surface Management NEPA Observations and Recommendations

Observations note instances where there may be opportunities for improvement, but are not required by policy. *Recommendations* provide suggestions for making improvements, based on the *Observations*.

Observation	Recommendation
1. BLM Documentation of Disposition of Plan of Operations	
In many instances when the BLM receives an incomplete Plan of Operations, the BLM will work informally with the operator to receive additional information. However, this information is not always documented (including incorporation into the EA).	Within 30 days of receipt of a Plan of Operations, BLM must take one of the actions specified in 43 CFR 3809.411(a) (i.e., notify the operator that the Plan is incomplete, complete, or complete, but additional steps are required) and document this action in Alaska Lands Information System (ALIS). In cases where an incomplete Plan of Operations is submitted, the BLM should formally identify deficiencies that the operator must address (and if necessary, the BLM should repeat this process until the Plan of Operations meets regulation requirements). The NEPA analysis (e.g., Proposed Action) should reflect the complete Plan of Operations, including information that may be added after the initial submission of the Plan of Operations. It is important to document any changes to Plans of Operations in the case files and in ALIS, and ensure changes are incorporated into NEPA analyses.
2. Baseline Data Provided by Operator	
The EAs and Plans of Operations reviewed did not indicate that BLM requests additional baseline data from the Operator. Through interviews, some personnel indicated needs for additional data that would have improved NEPA analysis related to approving Plans of Operations.	Regulations at 43 CFR 3809.401(c) and 3809.411(a)(3) allow BLM to request the operator to furnish additional baseline data. Offices should consider processes to manage data collected internally and externally to address data collection workload demands. Operator-provided baseline information could include information on public and non-public lands need to characterize the geology, paleontological resources, cave resources, hydrology, soils, vegetation, wildlife, air quality, cultural resources, and socioeconomic conditions in and around the project area, as well as information that may require the operator to conduct static and kinetic testing to characterize the potential for operations to produce acid drainage or other leachate.
3. NEPA Documentation	
Many EAs reviewed did not fully address the following NEPA components: (a) land use plan (LUP) conformance, (b) concise Affected Environment, and (c) impacts of the No Action alternative.	Managers, and the NEPA document preparers, should ensure all NEPA documents contain the required NEPA components. See IM-AK-2009-027 for a more thorough discussion of NEPA requirements and recommendations. (a) All EAs must include a discussion of LUP conformance as described in H-1790-1, 8.3.4.3. The EAs should include an excerpt(s) from the LUP detailing the specific conformance statements.

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Observation	Recommendation
	<p>(b) The Affected Environment should <i>succinctly</i> describe the existing condition and trend of issue-related elements (H-1790-1, 6.7.1). Discussion of the affected environment should be limited to that information relevant to understanding the effects of the proposed action and alternatives (H-1790-1, 8.3.6). Do not simply cut and paste from previous NEPA documents since this gives the impression that a “hard look” may not have been given to the environment and associated impacts.</p> <p>(c) All EAs should include discussion of the No Action alternative. The No Action alternative may be analyzed with the same level of treatment as the proposed action and any action alternatives, or to a lesser degree as described in H-1790-1, 8.3.4.2. Under a 3809-related NEPA analysis, the No Action alternative analyzes a situation where the submitted Plan of Operations would not be approved if there is a finding of unnecessary or undue degradation resulting from the Proposed Action.</p>
4. Unclear References to “Standard Stipulations”	
Some Decision Records (DR) reviewed included references to “Standard Stipulations” without defining what those are.	There are no published resource protection measures known collectively as “Standard Stipulations.” NEPA document preparers and managers should ensure that all resource protection measures are appropriately described and adopted in the DR, and mitigation measures monitored. Do not simply reference “Standard Stipulations” in the EA; the source of these stipulations should be cited. For EAs where new Resource Management Plans exist, use the Required Operating Procedures (ROPs) developed for the RMP as part of the suite of resource protection measures incorporated into the proposed action in the EA and in the DR. See related Finding #5 EA - Mitigation and Monitoring.
5. Essential Fish Habitat and NEPA Analysis	
The Evaluation Team observed that Essential Fish Habitat (EFH) determinations did not always correspond with the associated NEPA analysis.	In accordance with the Magnuson-Stevens Fishery Conservation and Management Act, any adverse affect (including “may affect”) determinations require consultation with National Marine Fisheries Service (see 50 CFR 600.905, and BLM IM 2007-201). Adverse effects include direct or indirect physical, chemical, or biological alterations of the waters or substrate and loss of, or injury to, benthic organisms, prey species and their habitat, and other ecosystem components that reduce the quality and/or quantity of EFH.

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VI. Action Items

The following Action Items address the findings and observations identified during the 3809-NEPA Evaluation. In addition, some of the Action Items are carried over from Action Items developed in June 2010 at the 3809 Meeting held in Fairbanks at Pike's Hotel.

A. Address the lack of information provided with Plans of Operations. The APMA does not provide BLM-Alaska with all information required by the regulations for a Plan of Operations. Operators must be informed of BLM's requirements for Plans of Operations.

WHO: A team led by the Branch Chief, Energy and Minerals (to include Field Managers and State Office Division of Resources staff) will develop tools for ensuring information submitted in Plans of Operations satisfy regulatory requirements.

WHEN: The team will begin immediately to work with Alaska Miners Association, Alaska Department of Natural Resources, and operators to inform them of requirements. The team will develop a strategy to share internally and externally prior to the 2012 mining season.

B. Explore developing standard resource protection measures needed to meet performance standards. Develop recommendations to the Deputy State Director (DSD), Division of Resources, addressing potential resource protection measures (aka BMPs) and other tools to help ensure performance standards are met. This will include updating measures in the 1989 "Brown Book," Required Operating Procedures found in newer Resource Management Plans, and other sources of mitigation measures or resource protection measures. The team will consider developing measurable objectives or indicators that may be needed to evaluate resource impacts resulting from mining operations. Particular focus will be on rehabilitating fish and wildlife habitat.

WHO: Branch Chief, Energy and Minerals with the Branch Chief, Renewable Resources

WHEN: Recommendations to the DSD, Division of Resources, by November 2011.

C. Address baseline data needs. Evaluate what minimal baseline information should be required by BLM-Alaska to effectively evaluate potential impacts of a submitted Plan of Operations and to ensure that unnecessary and undue degradation is prevented per 43 CFR 3809.415(a). Recommendations should focus on operations that will disturb the streams since stream reclamation poses unique challenges in Alaska.

WHO: A team led by Fisheries Program Lead. Team members will include representatives from the Field Offices with specialties in mining, fisheries, and hydrology.

WHEN: Recommendations to the DSD, Division of Resources, by November 2011.

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D. Surface compliance training. Through interviews, managers indicated that personnel with surface compliance responsibilities and resource specialists would benefit from training. BLM-Alaska will seek sources for additional training.

WHO: Branch Chief, Energy and Minerals

WHEN: Ongoing

VII. Appendices

A. Evaluation Team Members

BLM Office	Name	Title
Alaska State Office (Division of Resources)	Robert Brumbaugh	Geologist
	Doug Herzog	Planning and Environmental Coordinator
	Jolie Pollet	Supervisory Planning and Environmental Coordinator
	Cara Staab	Wildlife Biologist
	Matt Varner	Fisheries Biologist
Anchorage District Office	Melanie Hunter	Planning and Environmental Coordinator
Anchorage District Office (Glennallen Field Office)	Elijah Waters	Supervisory Program Coordinator
Fairbanks District Office	Gary Foreman	Planning and Environmental Coordinator
Fairbanks District Office (Central Yukon Field Office)	Ingrid McSweeny	Interdisciplinary Geologist, Engineer, Natural Resource Specialist
Fairbanks District Office (Eastern Interior Field Office)	Lenore Heppler	Field Manager
	Larry Jackson	Supervisory Program Coordinator

B. Evaluation Offices and Dates

BLM Office	Dates	Evaluation Team Members
Anchorage District Office	November 9 and 10, 2010	Rob Brumbaugh, Gary Foreman, Lenore Heppler, Doug Herzog, Larry Jackson, Ingrid McSweeny, Jolie Pollet and Cara Staab
Fairbanks District Office	November 16, 17 and 18, 2010	Rob Brumbaugh, Doug Herzog, Melanie Hunter, Jolie Pollet, Matt Varner and Elijah Waters

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C. Personnel Interviewed

Date of Interview	Name	Title	BLM Office
November 8, 2010	Lenore Heppler	Field Manager	Eastern Interior Field Office
November 10, 2010	Doug Ballou	Supervisory Archeologist	Anchorage Field Office
	Tim Sundlov	Fish Biologist	Glennallen Field Office
	Elijah Waters	Supervisory Program Coordinator	Glennallen Field Office
	James Whitlock	Natural Resource Specialist	Anchorage Field Office
November 18, 2010	Gary Foreman	Planning and Environmental Coordinator	Fairbanks District Office
	Tim Hammond	Supervisory Physical Scientist	Central Yukon Field Office
	Larry Jackson	Supervisory Program Coordinator	Eastern Interior Field Office
	Shelly Jacobson	Field Manager	Central Yukon Field Office
	Bob Karlen	Fish Biologist	Central Yukon Field Office
	Ben Kennedy	Hydrologist	Eastern Interior Field Office
	Carl Kretsinger	Fish Biologist	Central Yukon Field Office
	Ingrid McSweeny	Interdisciplinary Geologist, Engineer, Natural Resource Specialist	Central Yukon Field Office

D. Interview Questions

1. How do you determine that Notices are being submitted and approved as Notices (and should not actually be submitted and approved as Plans of Operations requiring compliance with NEPA)?
2. How do you determine the appropriate NEPA analysis for each Plan of Operations application?
3. Does the NEPA analysis include reclamation actions, and if so, do you think the actions are appropriate and would be effective?
4. Do you consult with tribes and does the NEPA documentation disclose such consultation?
5. How do you ensure public involvement and public review of documents?
6. How do you incorporate an interdisciplinary approach in developing the NEPA analysis for the Plan of Operations?
7. If the Plan of Operations is later modified, how do you determine if additional NEPA analysis is needed? If additional analysis is needed, is it conducted?
8. How do you monitor operations for compliance with performance standards and other requirements outlined in the NEPA decision?
9. How do you undertake effectiveness monitoring to evaluate reclamation assumptions and mitigation identified in the NEPA analysis? How do you consider this data in future decision-making?

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E. NEPA Documents Reviewed

NEPA Document Number	BLM Field Office	Title
AK-050-EA-05-018	Glennallen	KDT Exploration Plan of Operations EA
AK-040-04-EA-022	Anchorage	Nixon Fork Mine EA
AK-050-EA-06-009	Glennallen	Earl Vegoren Multi Year Plan of Operations 2006-2010 EA
DOI-BLM-AK-A020-2010-0018-EA	Glennallen	EA CA Gold LLC. Plan of Operations
EA-AK-025-08-049	Central Yukon	Plan of Operations and Use and Occupancy for D.M.V.G. Ventures
DOI-BLM-AK-03000-2009-024-EA	Central Yukon	Plan of Operations and Use and Occupancy for Joe Coup
DOI-BLM-AK-03000-2010-0014-EA	Central Yukon	Plan of Operations for Q4M Production Company LLC
DOI-BLM-AK-03000-2009-024-EA	Eastern Interior	Plan of Operations On Walker Fork for Jeff Owens

F. Document Review Questions

1. Does the Plan of Operations include the required components necessary to complete NEPA analysis (43 CFR 3809.401)?
2. What public involvement is undertaken in preparation of the EA for a Plan of Operations (H-1790-1, page 76)? How is it documented?
3. Is a notice of availability published for the Plan of Operations? How is the 30-day public comment period documented for a Plan of Operations (43 CFR 3809.411(c))?
4. Are public review requirements for FONSI's met for actions in floodplains or wetlands (H-1790-1, page 83)?
5. Is tribal consultation documented in the NEPA analysis (43 CFR 3809.411(a)(3)(iv))?
6. How is the interdisciplinary approach documented in the NEPA analysis (40 CFR 1507.2)?
7. Does the NEPA document for the Plan of Operations include the BLM's purpose and need and is the BLM action or decision clearly identified (H-1790-1, page 77)?
8. Does the NEPA document for the Plan of Operations analyze a range of alternatives consistent with H-1790-1 (page 79)? Are the alternatives specific enough to allow a meaningful effects analysis?
9. Does the NEPA document for the Plan of Operations include land use plan conformance discussion (H-1790-1, page 81)?
10. Does the NEPA analysis for each Plan of Operations consider reclamation actions (43 CFR 3809.420(b)(3)(ii))?
11. Does the NEPA document for the Plan of Operations adequately analyze direct, indirect, and cumulative effects (H-1790-1, page 81)?
12. Does the effects analysis in the NEPA document reflect the proposed action in the decision?
13. Does the NEPA document adequately address performance standards (43 CFR 3809.420)?

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14. Are the applied performance standards defined by policy or specified in land use plans? Are we incorporating land use plan goals, objectives, decisions, and ROPs?
15. Does the NEPA document address mitigation measures, and if so, are the measures clearly stated? Does the decision reflect the mitigation specified in the EA? Does the Monitoring Plan (43 CFR 3809.401(b)(4)) in the Plan of Operations include the mitigation measures?
16. Is the proposed mitigation commensurate with the projected effects of the action?
17. For EAs, does the FONSI document the reasons why the action will not have a significant effect on the human environment (H-1790-1, page 83)?
18. Is the Decision Record outlined as described in H-1790-1 (page 84)?