

BLM Terminology & Actions

A brief and informal guide to key concepts

Commonly Used Acronyms:

ACEC's-Areas of Critical Environmental Concern

APD – Application for Permit to Drill (on an oil and gas lease)

DR-Decision Record

EA-Environmental Assessment

EIS-Environmental Impact Statement

FAMS-Facility Asset Management System

FLPMA – Federal Land Policy and Management Act

FONSI-Finding of No Significant Impact

IBLA-Interior Board of Land Appeals

RMP-Resource Management Plan

ROD-Record of Decision

TMP-Travel Management Plan

Management:

- FLPMA sets out BLM's mandate for managing the public lands, under the concept of "Multiple Use" and "Sustained Yield" –
 - "multiple uses" include recreation, range/grazing, timber, minerals/oil & gas, watershed, fish & wildlife, wilderness, and natural, scenic, scientific and historical values
 - "sustained yield" means preserving uses for future generations
- FLPMA requires that BLM prepare and maintain inventory of lands and their resources and values (including outdoor recreation and scenic values), giving priority to Areas of Critical Environmental Concern
 - With public involvement, BLM must develop, maintain and revise land use plans which provide by tracts or areas for use of lands
 - based on multiple use and sustained yield
 - relying on inventory
 - considering physical, biological, economic and other sciences
 - giving priority to designating and protecting ACEC's

BLM is not required to permit all uses in all areas – can limit areas for certain uses/values

Environmental Analysis of Management Actions:

- If a BLM action or implementation will have significant impacts on the land, then the BLM is required to complete an EIS (RMPs are examples of actions requiring an EIS.)
- If the proposed action or implementation is not thought to have a significant impact on the land, then an EA is prepared (usually done with small scale, low impact projects).
- Decisions on EA's can result in 2 types of decision documents:
 1. FONSI or proposed FONSI (where the public has 30 days to comment on whether the BLM is "right" to issue a FONSI) OR
 2. EIS

- All RMP's must have an EIS because BLM has determined that RMP's will have significant impacts on the land
- All RMP's result in ROD's, but all ROD's are not necessarily the result of RMP's.
- If EIS → the final decision will be in the form of an ROD
- If EA → the final decision will be in the form of a DR

Appeals and Protests:

Protests → *Proposed* RMP's and oil and gas lease sales can be protested

- Protests are typically done *before* a final decision by the BLM has been reached
- Protests go to BLM to be decided – essentially to see if BLM will change its mind

Appeals → Most *final* BLM implementations, actions, or proposed actions (TMP, EA, ROD, etc.) can be appealed.

- Appeals are typically done *after* a final decision has been made by BLM
- All appeals go to the IBLA to be decided upon – essentially asking the IBLA to make the BLM change its decision
- RMP's and oil and gas lease sales *cannot* be appealed to the IBLA
- The IBLA is not the end of the road – you can still bring a lawsuit in federal court

Interim Steps → APDs on leases and grazing decisions have interim steps before they are appealed

- APDs first require a Request for State Director Review
- Grazing Decisions are first appealed to an Administrative Law Judge in the Department of Interior

Litigation → Going to court is also an option

- If you want to challenge the IBLA's decision
 - A decision on an IBLA appeal or even an appeal to the IBLA is not necessarily required before bringing a lawsuit on implementation decisions, but a court may require that you at least filed an appeal and a Petition for Stay (seeking to stop BLM from fulfilling its decision) and may view a failure to appeal to the IBLA negative when considering matters in a later legal action.
- If the protest of an oil and gas lease is denied
- Once a ROD is issued for an RMP, which occurs after protests are denied or otherwise resolved
 - A protest is not necessarily required before bringing a lawsuit on an RMP, but a court may, at a minimum, view a failure to protest negatively when considering a later legal action