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Land Use Document Comment Training

November 8, 2012

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NM4W Director of Environmental Affairs

With input from Mark Werkmeister

Outline

- NEPA Overview
- Environmental Impact Statement
- Substantive Comment Defined
- **Case Study** (Rio Puerco Resource Management Draft Plan & EIS)
- Comment Header Template
- Submitting your Comment



NEPA Overview

- National Environmental Policy Act (NEPA)
 - The law which establishes the rules the BLM and USFS has to follow when it makes land management decisions.
 - It says every federal agency must consider environmental effects when it makes decisions.
 - NEPA also established an entity within the Executive Office of the President to oversee NEPA implementation: The Council on Environmental Quality (CEQ).
 - The CEQ defines the way the **NEPA process works**.
 - NEPA strictly limits how and when the public can oppose what the agency does.
 - If the public doesn't use their rights properly, the agency can completely AND LEGALLY ignore us and make any decision it wants.
 - There are only THREE times in this process when the public is allowed to have any say at all in this: Scoping Comments, Comments on the Draft, and the Appeal.
 - The NEPA process is an analysis process used to arrive at a decision. The analysis is done in a document, either an EIS or an EA.

More info at: www.nepa.gov [40 CFR Parts 1500-1508](#)
[DEA Report, NM4W August Trail Tales](#)



Environmental Impact Statement (EIS)

- A document that describes the 'issue' the agency wants to make a decision about. The issue can be:
 - a problem (how to reduce wildfires or improve elk habitat),
 - a project (whether or not to build a bridge), or
 - a decision (allow a timber harvest, renew a grazing permit, decide which roads and trails should be open to motor vehicles).
- Looks at a variety of possible solutions for the issue. These solutions are called 'alternatives'. The alternatives are compared to each other.
- The objective is to figure out which alternative is the best solution for the problem.

More info:

[NEPA 40 Most Asked Questions](#)
[DEA Report, NM4W August Trail Tales](#)



The Decision

- The decision maker is **ONE PERSON**, who is identified at the beginning of the process.
- The decision maker must choose **only** from the alternatives presented in the EIS.
 - The decision maker **CAN** select parts of different alternatives and combine them into the decision.
 - The decision maker is **NOT** allowed to choose anything that was not shown in the EIS.
 - The decision maker cannot make up a new alternative or introduce new information or analysis. **EVERYTHING** must be in the EIS.

More info:

[NEPA 40 Most Asked Questions](#)
[DEA Report, NM4W August Trail Tales](#)



Case Study

Rio Puerco Resource Management Draft Plan & EIS

- **BLM Request for comments** (August 2012 Draft RMP Cover Letter)
 - “As a member of the public, your timely, substantive comments on the Draft RMP/EIS will help agency managers and staff to formulate the Proposed RMP/Final EIS.”
 - “We are particularly interested in feedback concerning the adequacy and accuracy of the proposed alternatives, the analysis of the potential environmental impacts of implementing the alternatives' management decisions, and any new information that would aid in the analysis. Comments are most useful when they address one or more of the following:
 - Errors in the analysis;
 - New information that would have a bearing on the analysis;
 - Misinformation that could affect the outcome of the analysis; and/or
 - Requests for clarification.”



Comment Elements

- Where possible, refer to the pages and paragraphs on which you are commenting.
 - Cite specific portions of the document to support your comment
- Comments containing only opinion or preferences will be considered and included as part of the decision-making process, although they will not receive a formal response from the BLM.
 - Opinions don't count, this is not a vote and popularity has very little to do with the decision.
 - Our comments DO NOT try to argue against the decision. The object of our comments is to show the EIS does not comply with NEPA, because it does not follow CEQ regulations for a complete, honest and accurate document.
- The BLM can best use comments and resource information received within this 90-day period. (The comment period has been extended until November 26, 2012)
 - Any comment made outside this period does not have to be considered by the agency and does not provide standing to appeal.
 - One of only THREE times in this process when the public is allowed to have any say at all in this.

More info: [AASHTO Handbook, Responding to EIS Comments](#)



Comment Header Template

November 8, 2012

Thomas E. Gow, Field Manager
Bureau of Land Management, Rio Puerco Field Office
435 Montano NE
Albuquerque, NM 87107

Dear Field Manager Gow:

I am a long-time member of the New Mexico 4-Wheelers (NM4W) and am representing that organization in providing these comments on the Rio Puerco Draft Resource Management Plan and Environmental Impact Statement (Draft RMP/EIS). NM4W represents 4WD enthusiasts in New Mexico. The BLM land analyzed in this Draft RMP/EIS provides important recreational resources to the members of the public we represent.

We appreciate the opportunity to comment on the Draft RMP/EIS and take the responsibility of reviewing the Draft RMP/EIS for compliance with the National Environmental Policy Act with the utmost seriousness.



Submitting your Comment

- The entire comment, including personal identifying information, may be made publicly available at any time. (will be part of the public record)
- Electronically (BLM Preferred)
 - Email: BLM_NM_RPFO_Comments@blm.gov
- Fax
 - (505) 761-8911
- Mail
 - Bureau of Land Management, Rio Puerco Field Office
Attn: Angel Martinez Jr.
435 Montano NE
Albuquerque, NM 87107
Rio Puerco Draft RMP/EIS



After Submitting Your Comment

- Keep a copy of it, it could be years before the FEIS is released. You will need it to see if the agency addressed the issues that you raised.
- Keep a copy of email confirmations from the agency stating that your comment was received.

