

**ATTACHMENT 4 – PRE-NEPA ASSESSMENT INFORMATION AND BRIEFING
MEMORANDUM TEMPLATE**

INFORMATION/BRIEFING MEMORANDUM
For the State Director, Bureau of Land Management

Date: _____

Through: _____
District Manager

From: _____
Field Manager, _____

Subject: _____ Project Proposal
Pre-NEPA Application Process Concurrence Request

BACKGROUND:

The Bureau of Land Management (BLM) _____ Field Office (Field Office) received a right-of-way (ROW) application from _____, a wholly owned subsidiary of _____, an international corporation specializing in the development of [*wind, photovoltaic (PV) solar projects*], for the _____ Project on _____ (casefile number _____). This application is being considered under the provisions of the _____ Resource Management Plan (RMP), as amended, and the regulations at 43 CFR 2800.

The _____ Project is estimated to produce up to _____ megawatts (MW) of electricity via a _____ facility and a _____ MW battery energy storage system. The project is proposed on approximately _____ acres of BLM-administered land and _____ acres of _____ land, for a total project area of _____ acres. The proposed project is located in _____ County, approximately _____ miles _____ of _____, between the cities of _____ and _____. The target date for commercial delivery is _____.

[Additional project information here – as deemed appropriate for background purposes.]

DISCUSSION:

Pre-NEPA Assessment Process. The Field Office completed three preliminary meetings with _____, as required in 43 CFR 2804.12(b)(4) and 43 CFR 2804.25(e)(2)(i). The Field Office also completed preliminary outreach to interested and potentially affected Tribal Nations.

The first meeting, on _____, was between _____ and the Field Office. Following the review of the preliminary Plan of Development and the draft Renewable Energy Factors Analysis Report, the Field Office concluded that the proposed project is in conformance with the _____ RMP and has a [low] potential for impacts to sensitive resources, management objectives, and other land uses in and around the proposed vicinity.

The second meeting, on _____, was a virtual meeting (via Zoom) between BLM and Federal, State, and local agencies that typically coordinate and consult on major ROW projects.

_____ presented the project proposal and fielded questions and discussion points. Agency representatives did not identify any additional critical resources that were not already identified in the Renewable Energy Factors Analysis Report and focused their questions on the pre-NEPA assessment process and future cooperation and consultation opportunities. Attendees were provided an opportunity to submit written comments, and the Field Office received comments from _____.

The third meeting, on _____, was a virtual meeting (via Zoom) open to the public. Approximately _____ individuals attended, including representatives of non-governmental organizations. Again, _____ presented their project to attendees and fielded questions and points of discussion. Inquires and questions focused on _____. Attendees were also given the opportunity to submit written comments. The Field Office did not receive any additional comments on the project or received comments from _____ regarding _____.

[Summarize any additional meetings]

Potential Resource Conflicts. Internal scoping by the Field Office revealed a [*low*] potential for conflict with sensitive resources and BLM land use management objectives in the _____ RMP. Sensitive resources and concerns are detailed below:

- Resource 1:
- Resource 2:
- Resource 3:

FIELD MANAGER DETERMINATION:

The BLM _____ Field Office has considered all available data and guidance regarding the proposed _____ Project application, including the project’s conformance with the _____ RMP and the potential for sensitive natural and/or cultural resource impacts. External meetings with other agencies and Tribes also indicate the proposal has a [*low*] potential for conflict with their management and resource concerns.

Based on the findings of the pre-NEPA assessment process, the BLM _____ Field Manager has determined that it is appropriate to process this application and undertake further environmental analysis in accordance with the NEPA.

DECISION OPTIONS:

In accordance with IM No. ID-2023-XXX, concurrence of the BLM State Director is required to continue to process a ROW application for renewable energy development. There are two potential decisions:

1. Concur with the BLM _____ Field Manager’s favorable decision to proceed with processing this application.
2. Withhold concurrence and return the package to the Field Manager to either work with the applicant to modify or deny the application. Denial of the application is considered a “final agency action” and is appealable to the Interior Board of Land Appeals.

Concurrence will not approve the proposed project; rather, it would allow the BLM to continue processing the application and initiate its NEPA analysis. Formal scoping would yield a range of alternatives that may reduce or minimize potential impacts of the proposed project, and further analysis in an environmental assessment or environmental impact statement would serve as the basis for any decision to ultimately approve or deny the project.

If the decision is to withhold concurrence and deny the application, the BLM can rely on its broad discretion under the Federal Land Policy and Management Act to deny ROW applications without completing a NEPA process. Nevertheless, such decisions must be made with regard for the public interest and be supported by reasoned analysis and an adequate administrative record. Denial of the application is considered a “final agency action” and is appealable to the Interior Board of Land Appeals.