

Ted, what's different regarding DNAs?

>> T. Milesnick: DNAs, as most of you know, are determinations of NEPA adequacy. The purpose of a DNA is to determine whether a previous NEPA analysis is sufficient for an action --

So slipping back to DNAs, which were used to determine if your previous NEPA analysis was adequate, this was kind of a new and unique process to BLM. Other agencies don't use it. Our old handbook didn't address it at all. It stemmed from, I guess, the recognition that a single analysis could be used for more than one decision and so that's kind of the basis for the DNA. There's four kind of steps to go through in using it. The first one is defining kind of the action you're taking. The second is looking at prior NEPA documents. These are commonly found associated with our land use plan EISs or amendment EAs or ESs. Other EAs, programmatic documents, these are documents that often have applicable NEPA analysis that can be applied to subsequent actions. So if you determine if those -- I guess the third step in the process is can determine if those analysis are adequate. The checklist we have, you go through this -- that's outlined in appendix 8 helps you determine that analysis, adequacy, and then that DNA format, then, is used to document use of the DNA. There's several things to watch out for when you're doing this DNA analysis. One of them is that you find an analysis from another agency that's been done that's really applicable to your action. Unfortunately, we can't use the DNA for that but the correct mechanism from a NEPA standpoint is to adopt that other analysis. So that's something to look out for. Another thing to look out for and to watch is the level of public involvement that was associated with the previous NEPA analysis. If it didn't address the kind of actions that you're currently anticipating, then additional

public involvement may be required. One final point I would like to make is that the DNA is also helpful in kind of determining whether or not circumstances and conditions have changed since we've -- since we've implemented an action, for instance, if we did an EA for a fence or another project that's five years ago and we just got funding to put it in now, a DNA can be used to determine whether that previous analysis was still valid.

>> M. Conry: So, Ted and Richard, by I like you to way in on something. Sometimes offices have an option of doing a CX or a DNA. If you have both tools available to you, is there a preference to go with one over another?

>> R. Hardt: Yeah, we say in the handbook that if you have the choice between the two, it's probably going to be preferable to use the DNA because that means that you do have an underlying NEPA analysis. If you're using a CX for that, you're not going to do any NEPA analysis and you're going to have to meet the test of the extraordinary circumstances. That's going to require some judgment whether your EA is strong, whether the action you're taking matches well and whether that analysis is strong.

>> M. Conry: Great. Thanks.

>> T. Milesnick: That's all I had.

>> C. Humphrey: So, let's see, so the concept for DNAs is pretty much the same as what was in the instructional memo, right? It's just it's been refine add little bit. And that can be found in appendix 8. A couple questions we got from the field, it's regarding what decision document goes with the CX he and an DNA or do they have to do a decision --

>> T. Milesnick: They need to do a separate decision regardless -- on the action that's

being taken. So they would make a determination on a DNA that the previous analysis was sufficient but then they would need to do a separate decision document for the authorizing action that we're taking. So that would apply pretty much with all of our kind of NEPA documents or DNAs. A CX would require your CX documentation and then for the BLM CXs, a separate decision document.

>> C. Humphrey: There will be examples of that in the web guide, do you think?

>> T. Milesnick: Yes, there will be.

>> C. Humphrey: Great. All right

Question:

All right. We have a fax in from surprise, California, and -- it's about DNAs and she says: there's a proposed action in an EA that includes a project area of a thousand acres, NEPA was completed in the year 2000. Half of those thousand acres were completed under NEPA in 2001, and this year in fiscal year '08 we have funding to finish the project, so there's 500 acres left. Is the NEPA done on the first half considered current. No new designations have occurred within the project area. All other management is the same as it was in 2000. So if the analysis is no longer current, would a DNA suffice --

>> T. Milesnick: You know, I think this is a good question that kind of illustrates the concept of the DNA and using the DNA. A project that the NEPA was done in the year 2000, it's eight years later and we're just getting ready to finish up that project, I think a DNA, even though you said there has been no new designations, that a DNA would be appropriate to determine whether or not the prior analysis was still valid. And if nothing

has changed, you could likely document that through the DNA process that the existing one was currently valid. So that would be the purpose of doing the DNA, would make that determination if circumstances had changed and whether or not that analysis was adequate.

>> C. Humphrey: Okay.

>> R. Hardt: But a DNA is always a useful tool if you feel it's important to show why that analysis is still current. We had this debate quite a bit in the team. Do you know need to document a DNA if it's 10 years old? Probably. How about if it's one year old? Maybe. How about if it's a month old? How about a week old? Definitely not. Where's the line? A lot depends on the action. We see the DNA as really good tool for building an administrative record that shows the analysis you're relying on is current.

>> T. Milesnick: The second kind of part of this question is if NEPA is no longer current, would a DNA suffice? If your DNA determines it's not current, then you would have to go back and do additional NEPA analysis. You would have to go back and do a new EA for that project if the analysis wasn't current. Then there's kind of a third part of this question here. It says when does an EA, CX or DNA expire, after 5 years, after 10 years? I really don't think there's any set time frame that your NEPA analysis would expire. I think the purpose of the DNA is to take a look at that analysis, see if it's still valid or not, and if it is still valid, then you can go ahead and use it and you would document that through the DNA process.

>> C. Humphrey: Okay. So hopefully, Lee, that answers your question.

Question:

So are there any other questions, comments before our last final moments.

>> Participant: Yes, I have a question. This is Jason Lowe from Spokane, Washington.

>> C. Humphrey: Hi, Jason. It's nice to hear from Spokane. What's your question?

>> Participant: Yeah, it seems like one of the themes of this manual is to help streamline our work, make us more efficient, et cetera. So on programmatic EAs, that seems like a real opportunity to do that, however, I have a concern given the programmatic nature of those EAs, that they analyze the effects at the program level, is it really appropriate to write DNAs tiering to those considering that the site specific level hasn't really been addressed?

>> T. Milesnick: I think to address that, there's a lot of different represent, I guess, types of programmatic NEPA documents, and I think the use of the DNA and whether or not it's applicable to use that for an action depends on what level of detail you got in the programmatic document and I do know a lot of programmatic documents are prepared while they don't identify a specific action or location, they do identify the -- kind of the scope of the treatment or project that's going to be done and describe the impacts of that type of action. So I think a lot of it just depends on kind of the nature of the programmatic EA and how you've -- and how that was prepared.

>> R. Hardt: Yeah, I think -- what we're going to see in a lot of programmatic analyses is an analysis of the typical conditions that we'd expect to find, the typical impacts would that occur from the action as we anticipate it. The

DNA then becomes a very useful tool of saying, well, with this specific action in this specific location, does this match what we expected in that programmatic analysis, and if not, no, we can't make a decision based on that DNA, then we need to do some additional NEPA.

>> C. Humphrey: Does that answer your question?

>> Participant: Yes. Thanks a lot. So, you know, it's -- if the programmatic is robust enough and the DNA fits it, it is an efficient tool and appropriate to use?

>> R. Hardt: Yes.

>> C. Humphrey: I've noticed in some offices some people use DNAs for everything and in other offices people are scared of DNAs. I would say if you're scared of a DNA take a look at the guidance and maybe it can be your friend again.

>> R. Hardt: A lot of people are scared of DNAs because they don't have, like Chuck was talking about, that multi-layers of recent NEPA analyses that have been done that provide them the really good basis for understanding what the effects are going to be up front.