

Richard, talk us to about purpose and need. How has that changed?

>> R. Hardt: Ah, purpose and need, definitely one of my favorite topics. The CEQ regulations talk about purpose and need and the old handbook basically just repeated what the regulations tell us. The regulations don't differentiate between the purpose and the need, just treats them as the same concept. We thought it was helpful to distinguish those. We thought that was a useful tool for people to understand how to produce a strong purpose and needs statement. So specifically what we explain is you can think about the need as the underlying problem or the opportunity that BLM is responding to with action. The purpose, however, we would think of as the goal or objective of what we're trying to do. If you will, the solution to that problem we've identified. Now, here what we mean the solution in a very conceptual sense, not a description of your proposed action. So putting these two together we think is a useful way of thinking about it. It's not a required way of presenting it. Now, one change we've made from the old handbook about purpose and need is that for an externally generated action, something which an applicant or proponent is coming to BLM, the purpose and need we must describe is BLM's purpose and need for action, not the applicant's, not the proponent's. And this is important because it's the BLM purpose and need which is going to dictate the range of alternatives, and we need to be looking at the range of alternatives available to BLM, and it's the purpose and need that's going to provide the underlying rationale for selection eventually, and it's the BLM that's making a selection. We understand this is a big change from previous guidance and we understand it will be somewhat controversial, but we felt as a team this was the best way to structure NEPA documents to support a BLM decision.

>> C. Humphrey: Okay. I was looking at chapter 6 last night, and I thought that there's some good purpose and need examples in there. So if people need to see what you're talking about the different concepts, you just spoke about, they're in there, and then another thing I noticed is the handbook suggests crafting the purpose and need early in the process and maybe sending it out with the scoping, having it at the scoping meetings or doing it with the scoping process to help focus the comments.

>> R. Hardt: That can be particularly valuable in scoping in helping people provide useful input into what are reasonable alternatives. If they don't understand what our purpose and need is, they will be presenting alternatives that really aren't reasonable.

>> C. Humphrey: That makes sense. We have an online purpose and need course. It's called -- the number is 1620-28, and, of course, you can get it to by going to DOI Learn, and that is very consistent with what Richard was just talking about. So if you would like to have some more practice in crafting purpose and need statements and learning a little bit more about it, then I recommend you take that course. It probably takes about an hour, a little more than that.

Questions:

>> Participant: Cathy k I ask a question? This is Joe POLINI from the bishop Field Office. My question is I believe for Richard and the question is, can you give an example of the old style that we want to get away from and the new approach here for all of us?

>> R. Hardt: Certainly. Let me use an example we talk about a little bit in the handbook and Megan I think will use this example a little

later to talk about some other actions. BLM receives a right-of-way request from a private party to cross BLM land to access their land to develop a quarry. Now, the purpose and need, if we consider the applicant's purpose and need, is to provide access to a quarry site for development and operation of a quarry. If we look at the BLM's purpose and need here, we look at our responsibilities to provide reasonable access, we construct our purpose and need around the right-of-way requests, not around the construction of a road and the development of a quarry, and so we would look at alternatives, then, that would be approve the right-of-way request, condition the right-of-way request, deny the right-of-way request. We wouldn't be looking at what are the alternate ways this private party could reach their quarry site? And so we end up in a very different place depending on how we construct that purpose and need. Does that help?

>> Participant: Yes, it does. Thanks.

Question:

>> Participant: This is Terry from the solicitor's office in the Rocky Mountain region.

>> C. Humphrey: Hello. Do you have a question or comment?

>> Participant: I have a question going back to the purpose and need. I know that you've changed the analysis that you take, that BLM would take, in developing the purpose and need in the new handbook. An example that you gave was the purpose and need of BLM in issuing a right-of-way to a project proponent that wanted to create a quarry on private land and BLM's action would be to provide the

right-of-way across federal lands to get to the quarry, therefore, the purpose and need of the document would be BLM's need to issue this right-of-way. Now, in the scope when you were talking about the scope that BLM would look at, you stated that they needed to consider connected actions. One of those actions in the example you provided was creating this quarry. So I'm worried that by limiting the purpose and need too much you might inadvertently leave out some analysis that's needed for these connected actions. I'm a little confused because of the federal action that BLM needs to take in issuing this right-of-way wouldn't be necessary if the project proponent hadn't needed the quarry in the first place. So I'm wondering if you can describe a little bit more how the purpose and need is going to be adequate enough to cover those concerns.

>> R. Hardt: Yeah, I'm glad you asked this one. This is a very complicated thing, as Megan was saying, when we get into connected actions, specifically connected nonfederal actions. We talk about in some length in the handbook how to deal with the purpose and need when you have connected actions, and one of the things we tried to articulate is that if you have connected federal actions, both of which would require NEPA on their own, that you may wish to create a purpose and need statement that covers both actions. If they're connected, they're somehow interrelated and it may be correct to have a common purpose and need. But where we have a nonfederal action that's not connected, the nonfederal action is not triggering NEPA. So we're not going to bring that connected nonfederal action for our purpose for action. It is important background information. We need to explain why the -- this is important in helping us to understand what to analyze in the no action alternative, what to look at in the cumulative effects analysis. But if we take on the purpose of the quarry operation, development

and operation, as part of our purpose then we need to look at alternatives to it and that will lead us into the wrong kind of alternatives because they aren't alternatives that are available to BLM. They aren't alternatives to consider in BLM making a decision. I realize this is not an easy thing to explain in a short time here, and that's why it took a lot of work and discussion in producing the handbook section and it goes on for a lot of pages. We tried to give a lot of examples in the handbook and hopefully that will be helpful.