

>> C. Humphrey: Let's get significant. Richard, what can you tell us about significance?

>> R. Hardt: Well, the old handbook talked about significance but again really what it did is it repeated what the CEQ regular leg tell us without giving us much explanation. And this is the kind of determination about what is a significant impact we felt we wanted to bring some objectivity to it. The CEQ regulations give us these factors of intensity. They're not entirely clear what they mean sometimes, though. So what we tried to do is provide explanation for each of the factors, to what it means and what it means specifically for BLM kind of actions. So, for example, there's one that talks about whether the action is highly controversial, and we explain that what this means is, highly controversial in the sense of a disagreement about the nature of the effects, not about expressions of opposition to the action or preference amongst the alternatives. That doesn't give rise to significance. This is something we've seen confused in a lot of NEPA discussions.

>> M. Conry: Richard, if I may jump in here, I'm glad that the handbook clarified controversy in a NEPA sense because I do think there is a lot of misunderstanding about what it means. The controversial threshold or topic comes up in the list of extraordinary circumstances as well. Is it to be interpreted the same way in the list of extraordinary circumstances?

>> R. Hardt: Yes, it really is the same kind of controversy we're talking about. Is there controversy about what the environmental effects will be of the action, not about do a lot of people not want BLM to take the action. Another of the factors that we talked about quite a about it, and the explanation I think

is quite different than we might have understood before, is where it talks about actions related to other actions have that a cumulatively significant impact. Here what we tried to explain is what counts towards the significance of the BLM action? This is quite distinct from what do we need to analyze in our cumulative effects analysis? We explain that what we need to count here is the effects of the BLM action, that incremental effect of the BLM action we talked about earlier, together with the effect of any connected or cumulative actions to the extent that those effects can be prevented or modified by BLM decision making. This is a really complicated thing to do, but it's important to separate out, these are the effects that we need to count in determining whether the effect is significant and therefore we need to write an EIS from these are the cumulative effects we need to analyze to provide context for the decision maker to understand the overall context for looking at the impacts of the BLM action. No matter how much explanation we provide here, the determination of significance is still going to be one that really depends on the specific facts, on the specifics of that analysis and still is going to require a lot of judgment.

>> C. Humphrey: And when they're doing this determination of significance and going through those intensity factors, do they document it? And if so, where?

>> R. Hardt: It depends on what you conclude. If you find the impacts would not be significant, of course, you document in the FONSI. If you do find significant impacts, then you would use this to help structure what are the issues that require analysis in your EIS.

>> C. Humphrey: Are there any examples -- will there be examples in the web guide?

>> R. Hardt: , yes, we do have some examples, and we have an example FONSI. One of the things we directed in the handbook is that the FONSI explicitly address the factors of significance. So we need to go through those and explain why the impact is not significant for each of these.

>> C. Humphrey: So FONSI s will no longer be able to be one short paragraph saying the effects are not significant with one line saying this is my decision?