

So, Richard, let's move onto supplementation. What's different?

>> R. Hardt: Not much. The old handbook had a pretty detailed discussion of supplementation but we did make one important change. We made this change in response to a Supreme Court case, *Norton v. SCA*, in which very briefly the Supreme Court clarified that a BLM RMP is not an ongoing action for NEPA purposes. This changed our understanding. Therefore, supplementation of the NEPA document is not appropriate after we have reached decision. Therefore -- this is quite a change for us. Therefore, we supplement an EIS only when there's substantive changes or significant new information prior to signing a ROD for an RMP or for another action prior to implementation of the federal action. When you do have substantive changes or significant new information that arrives after you've reached a decision or after the federal action has been implemented, you don't prepare a new NEPA document -- I'm sorry, you prepare a new NEPA document, not a supplement. Otherwise, we haven't made any major changes to the discussion of supplementation from the old handbook.

>> C. Humphrey: I think the handbook does a good job when it's appropriate to supplement and when it doesn't. It spells it out pretty well. And it seems pretty straightforward with EISs but I've heard a lot of talk about supplementing EAs. What do you say about that?

>> R. Hardt: We say no, as did the old book. Supplementation applies to EISs. Supplementation allows you to potentially skip some steps such as manned story scoping, may under certain circumstances allow you to not circulate a draft EIS. These are particular to the EIS process. They're not particular to the EA process. Therefore supplementation is not appropriately talked about for EAs. We have a

fax again from Steve in Coos Bay in which he's asking about when they make minor changes to an EA after it's been out for public comment, and would -- do minor changes like this require supplemental EA or a new EA or another round of public comment or a DNA, and I would argue if you're making minor changes, what Steve termed tweaking an existing EA, if these are minor changes, then, no, there's no need for another round of public comment. You don't need to prepare a new EA. And you certainly wouldn't call something a supplemental EA or an EA addendum. The public comment process is not meant to be an endless do loop. You receive the comments, you make the changes, you proceed onto signing your FONSI, signing your decision.