

Determination of NEPA Adequacy: DNA Worksheet and Exercise

JOLIE: Now, let's go through the DNA worksheet in Appendix 8 of the NEPA Handbook. You can follow along in the example that we provided.

The first step in figuring out whether you can use a DNA is to determine if the action conforms to the land use plan. If the action doesn't conform to the land use plan, you can't use a DNA.

In order to conform to the land use plan, remember that your action must be specifically provided for in the plan, or if it's not specifically provided for, the action must be clearly consistent with the terms, conditions and decisions of the land use plan.

You need to consider five NEPA adequacy criteria to do a DNA, but before you consider these five criteria, which are formed as questions in your worksheet, first determine if the action conforms to the approved land use plan. Once you've decided that your action conforms to the land use plan, next consider the NEPA adequacy criteria to determine whether the existing NEPA is adequate for your action.

You have to consider these criteria whether or not you document the review. We'll get to when and how you document your DNA review after we've discussed these criteria. To help respond to the criteria, you should consider using an interdisciplinary approach, depending on the scope or the scale of the proposed action. The interdisciplinary approach also helps you with good interoffice communication and coordination.

MEAGAN: So as you start to go through the NEPA adequacy criteria, the first question you must answer is, is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document?

It's helpful to consider whether or not the project is going to occur within the same analysis area. If the project location is different from that in the NEPA analysis, are there geographic or resource conditions that would be similar to those analyzed in the existing NEPA document? Or are there differences? If there are differences, can you explain clearly why they are not substantial?

It's worth pointing out that you may use a DNA if your proposed action is a feature of or similar to an alternative analyzed. That means it may be analyzed in the proposed action or any of the action alternatives. It does not have to be in the action alternative selected.

RICHARD: The second question, is the range of alternatives analyzed in the existing NEPA document appropriate with respect to the new proposed action given current environmental concerns, interests, and resource values?

So ask, would there be reasonable alternatives for this new proposed action that weren't addressed in the existing NEPA document? Sometimes the existing EA or EIS may not have considered an appropriate range of alternatives the first time around.

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Other times changes may have occurred since then that weren't anticipated, like drastic change in energy prices or land exchange that changes landownership patterns which alter what would be a reasonable alternative.

But assuming you had a good NEPA document to begin with and things haven't changed, the answer to this question is usually yes.

JOLIE: The third question to consider is, is the existing analysis valid in light of any new information or circumstances? New information comes up such as rangeland health standard assessments, Endangered Species Act listings, new technology, monitoring results for BLM sensitive species, large fires occurring, drought, but the basic question is, can you conclude that new information or those new circumstances would not substantially change the analysis of your proposed action?

For example, say your office completed an EA for a series of prescribed burns in an area that has several populations of a listed plant species. In your EA, you analyze impacts to these plants or this plant as an issue, and you concluded in the EA that the effects were not significant and that fire could actually benefit the species.

Now you are proposing a prescribed burn in the area, but just learned of some new research that indicates that fire could actually damage this particular plant. This new information could change your analytical conclusions regarding the impacts of prescribed fire on the plant.

You would use a DNA to work through this issue. If the new information would change how you assessed the impacts, then your NEPA would no longer suffice for decision making and you could not prepare a DNA. The point in answering this question is, ultimately, would this new information change analytical conclusions about the issues that required analysis?

In other words, could this new information change conclusions about potentially significant effects or effects that would lead to a reasoned choice among the alternatives? If you have to add to the analysis, then you can't use a DNA.

MEAGAN: The fourth question posed is, are there direct, indirect, and cumulative effects that would result from implementation of the new proposed action? Are they similar to those analyzed in the existing NEPA document?

Now, there's a lot of overlap between this fourth question and the third question that Jolie just discussed. Regardless of whether or not you have new information, you must be sure that the effects of the new proposed action are similar to those previously analyzed in your existing NEPA document.

As Jolie said, if you need to conduct analysis to figure out whether those effects are similar or not, you should not be doing a DNA.

If you answered no to any of these four NEPA adequacy criteria, you must prepare a

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new EA or an EIS for your action.

RICHARD: The last question, is the public involvement and interagency review associated with the existing NEPA document adequate for the current proposed action?

In evaluating this, look at whether the interested public for the new action had the opportunity to provide input to the existing NEPA document.

Now, this is different than the other four questions in that if you say that you need more public involvement for the new action, you may still be able to do a DNA. You have the opportunity to do additional public involvement. You may still be able to conclude that the existing NEPA document is adequate.

JOLIE: Most of the time when you conclude the review of those five questions, you would document the review using the DNA worksheet in Appendix 8 of the NEPA Handbook. Your answers in the worksheet should be substantive and detailed. Make specific citations to existing EAs or EISs in that worksheet. By documenting the response to these questions, you are building a strong record to support your conclusions and ultimately supporting your decisions.

Consider a situation where you have completed NEPA for an action and new circumstances have arisen before you have signed a decision. In this case, you may choose to document the DNA review with the DNA worksheet or you could document it in other documents, such as a decision record or even in the response to comments that you might get.

MEAGAN: Remember that a DNA worksheet is not a decision and it's not a NEPA document. The DNA only documents that existing NEPA is adequate. We've said it before and we'll say it again, you can't use the DNA process to add analysis.

CATHY: All right. It's time to do an exercise.

Everybody, if you could get out your DNA worksheet that you brought with you for this course. What we'd like you to do is evaluate that in relation to what you just heard from the instructors, and then compare it to the sample worksheet that we've provided for you, the worksheet that's filled out.

Now, think about this, how does your level of detail compare to the sample? Is there anything that you would change in your DNA worksheet? And what about things to improve in the example? We don't always think that the examples are perfect. So if -- if you did something better than the example, we'd like to know that too.

Okay. You've got the instructions. Now pause the video. Complete the exercise. And then hit play again when you are ready to continue with the course.