

So, Megan, would you like to talk to us -- talk about defining scope of analysis?

>> M. Conry: Sure, Cathy, I would love to. In talking about scope of analysis, this is not something that was addressed in the 1988 handbook, and we felt it was very important to address in the new NEPA Handbook because your scope of analysis may require you to consider other actions in addition to your proposed action during your NEPA process. Now, I'm only going to go over this briefly because the actions are kind of complicated and the determination of how you need to address them and if you need to address them is very much made on a case-by-case basis depending on your individual circumstances. So I'm going to attempt to give you just the bullet points here and leave you to the handbook to work through it on your own should the issues arise. So the council on environmental quality identifies three key actions that the BLM needs to look for when it's working through its NEPA process. The first of those are connected actions, and connected actions are those proposed actions that are closely related to your action and should be discussed in the same NEPA analysis. Now, connected actions could be federal or nonfederal, and Richard stole my thunder a little bit earlier with the right-of-way example, but I'm going to go back to that. So your office receives a request for a right-of-way crossing BLM administered lands to access their adjacent private land where they hope to develop and operate a quarry. Crossing BLM land is the only reasonable way for them to access their land. Therefore, their action of developing and operating the quarry is a connected action to our granting or denying their right-of-way request. As such we need to be discussing that in our NEPA analysis. The second type of action that the CEQ speaks to is a cumulative action. Cumulative actions are those proposed actions which have a potentially significant

cumulative impact together with your proposed action. These should also be discussed in the same NEPA analysis. Like connected actions, these could be federal or nonfederal actions. One of the simple examples we use in the NEPA Handbook is that a BLM office proposes to develop a campground along a stream. The construction of that campground is expected to contribute sediment to a stream. In a separate proposal upriver the BLM is proposing to replace a culvert on the same stream. That culvert replacement activity is expected to contribute sediment to the same stream as your campground construction would. Because of them affecting the same resource and the potentially cumulatively significant impact of those actions, they should be discussed in the same NEPA document to really get a full picture of your effects. Now, at the last category of actions that CEQ reminds us of are similar actions, and similar actions are those proposed or reasonably foreseeable federal actions with similarities such as common timing or geography. This commonality may provide a basis for discussing these actions together in the same NEPA document. It's important to note that similar actions are federal actions only. So I know I've thrown out a lot of different types of actions in just the past couple of minutes but the key message here is for everyone to think closely about what else is going on in your project area or what's going on in relation to your project that you may need to be talking about in your NEPA analysis for the proposed action. Connected and cumulative actions do factor into your determination of significance. So it's critical to be aware of those other actions out there. Like I said before, though, it's all determined very much on a case-by-case basis depending on your individual specifics, so we encourage you to work closely with the handbook. There's five or six pages dedicated to this topic. Work through that, work with your NEPA coordinators

very close in figuring out if there are other actions to be looking at. Clear as mud?

>> C. Humphrey: Yeah, I think you're right on. They need to look at that section 6.5.2 because it is complicated. It makes sense when you talk about it, but when you sit down to do it --

>> M. Conry: It's pretty difficult to think through.

Question:

>> Participant: This is Laurel from Kimmerer, Wyoming.

>> C. Humphrey: Go ahead.

>> Participant: I had a question about when they were talking about the right-of-way and how you're analyzing just the BLM reasons to do it and not if there are other ways that they could get into the quarry, but I was taught that when you're analyzing for threatened and endangered species and the nexus, that you have to do that.

>> C. Humphrey: Richard?

>> R. Hardt: I think you've pointed out a difference between the requirements under ESA and the difference in the requirements under NEPA, and this is -- it may be that you decide that you want to approach the NEPA -- present in the NEPA document how you've done your ESA compliance, but that shouldn't be confused with what NEPA is requiring us to do. So here -- I think we have to clarify this a little bit. We would need to look at, : do they have other reasonable access? But we wouldn't want to present as alternatives all their different alternative ways of reaching that quarry site as all alternatives in the NEPA

document because those aren't available for the BLM to take action on. There may be a difference in how you do section 7 consultation from how you do your NEPA document.