

## Planning Nuts and Bolts: Effects Analysis and Comparison

We've been talking in other segments about how you put together the information to analyze alternatives to combine your different land use plan elements to look at alternatives. In this segment, we're going to be talking about how you'd now evaluate and compare those alternatives.

So the objectives of this section are to talk about the kind of impact analysis that's required as part of the FLPMA and NEPA process and compare these alternatives and present these alternatives in an understandable way for presentation in the draft EIS.

You have the NEPA requirements that relate to how you're supposed to present alternatives. The alternatives in an EIS really is the heart of the EIS. It's the part of the process where the federal agency is saying, we understand that there's a purpose and need and there are different ways to achieve that purpose and need, and we're going to do a meaningful evaluation to compare and contrast those alternatives related to how they would significantly affect the quality of the human environment. So, it is the fundamental purpose of the NEPA EIS, making sure that that's that meaningful evaluation.

As you're comparing the alternatives in the EIS, you need to be thinking about it in terms of, do I have enough information about each alternative to make that meaningful comparison. You need to be thinking about it in terms of how you're going to involve the public and collaborators, how you're going to, possibly, get them involved in the different alternative analysis, how you're going to get your ID team involved. All of that is very important, and again, that really forms the basis for that EIS that you're going to be issuing and eventually coming up with the preferred alternative that's going to be announced in the draft EIS as part of the plan and what you're eventually going to come out with in the final EIS and then the decision.

We've discussed previously about the no-action alternative. Just going to talk about a little bit more, in this segment, on the no-action alternative related to plans. CEQ regulations, Council on Environmental Quality, NEPA regulations, talk about, and they also have 40 most asked questions of the NEPA process, they talk about what you should be considering as you're defining the no-action alternative. No-action really means no federal change in the existing process. So, for a plan, it's the current management direction, the current plan as it exists today. And you're trying to understand that context, the impacts of what would happen if you did not change your plan, as it existed today. And as you're doing that, you're thinking about it in terms of, not necessarily, no action whatsoever, because it would be that BLM wouldn't be managing the lands at all. But again, you're thinking about it in terms of what would happen if we didn't change the current structure, the current management framework for these particular areas. And again, this is set as a point of comparison for then determining your other alternatives. It's not necessarily the baseline for determining the impacts of each alternative, but it is an important point of comparison for those particular alternatives.

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The types of environmental effects you're going to be considering in the NEPA process for your alternatives and the plan decisions relate to direct effects, indirect effects, and cumulative effects. The direct effects are those that are going to be happening simultaneously with the implementation of the particular plan decisions. So you're going to be thinking about those, basically, (indiscernible) with the actual action. You may have certain indirect effects that are reasonably foreseeable to occur after the action has happened. So you might have things that aren't going to occur exactly when the action happens, but are reasonably foreseeable that they will occur later in time. If you think of it in terms of the simple graphic here on allowing a certain activity to affect vegetation, that's the direct effect.

But those activities might have indirect effects related to air quality, sedimentation or run off into a stream, now that the vegetation has left. So you think of those as indirect effects. You also might have cumulative effects, another requirement as part of the NEPA process. We have a separate slide on that, I'll talk about that a little bit later. The short definition of cumulative, looking at your action and how it contributes to other reasonably foreseeable actions in the area and that overall affect to the resource.

As I mentioned in the last segment, worse case analysis is not required as part of the NEPA analysis and that you're not supposed to speculate. NEPA requires that the federal agency take a look at the evidence that they have on the record, and decide what is foreseeable based on that information. There is a certain line, if you will, a certain chain in the link of causation where something becomes unreasonable, where something becomes speculative, when something becomes remote. So there are activities that are part of the plan decision that there are direct effects and indirect effects of it. And then there's somewhere in line where that linkage doesn't happen anymore. Where you can't say, if we make this decision, that is definitely going to occur. And it's those kind of activities, it's those kind of impacts that you shouldn't necessarily be including in the EIS. As I said, NEPA doesn't want you to speculate. NEPA doesn't want you to be putting in impacts that are remote. Now, you may get comments on the EIS saying you should be looking at these kinds of things and you should be discussing why you think that is relevant or why you think it is remote and speculative and you need to have expert opinion on the record to say why that isn't part of this NEPA analysis. Again, you're always looking at the record to say, does this support these kind of analyses.

Part of the indirect effects analysis will include some kind of growth assessment. What is reasonably foreseeable to occur based on the action? So, you're looking at if there's growth that could occur either development through land uses. If you make certain decisions, allow certain activities to occur, what is reasonably foreseeable to happen as a part of that? Will there be commercial development? Will there be development on state land outside the BLM area, but still linked to the certain decisions that are made within the BLM planning area. And all of those issues should be considered in deciding an indirect effect related to growth issues. Are there impacts related to those growth issues? A common example is when BLM designates certain land for transfer. Well, what's going to happen to those areas once the transfer

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happens? BLM should be discussing whether that is reasonably foreseeable, if they have information to say what's going to happen and what are the impacts from possible growth in those areas?

As I mentioned, NEPA requires that the federal agency look at the cumulative impacts associated with their action. And again, you're thinking it in terms of, well, my BLM, the federal agency's decision might have certain effects. They may be small, they may be large. And then think about it in terms of in combination with the other effects from other projects that are going to happen within the federal government, outside the federal government, anything that is reasonably foreseeable, what is the cumulative effect of all of these different projects including the federal action, the BLM decision, what would that cumulative effect be on that particular resource? If you have sedimentation in a stream and from run off associated with a BLM action, well, are there other decisions being made in the state, local level, private land that's reasonably foreseeable to occur that also would contribute to the water quality issues within that stream. And it's all of those considerations that are an important part of the cumulative impact analysis. Cumulative impact analyses are very difficult to do. That's why, sometimes, the BLM and the EIS needs to take great care. They're sometimes one of the more vulnerable parts of an EIS and, again, the BLM staff needs to think through how are we defining the range of reasonably foreseeable actions, how are we defining how they affect certain resources, what are we including in there, how are we defining the past activities, the present activities leading up to this possible collective significant effect? And all of that information is very important to include in the EIS. One of the resources that you can use is turning to your collaborators, your state agencies, your local agencies who may have already done some planning efforts that might have some cumulative impact analysis that you can incorporate by reference into your document. So there are resources outside of BLM and it's very important that BLM get those other players involved to make sure that you've got a good understanding of the collective, reasonably foreseeable future actions that could be occurring in the area.

As mentioned, you're looking at how you identify the resources; how you define the certain geographic scope the effects to the human environment don't necessarily stay within BLM's planning area. There might be effects outside the planning area related to decisions being made within the planning area. So that geographic scope and the definition there is very important related to those particular resources. Some resources straddle different states, air basins. When you think of it in terms of hydrologic effects they certainly go beyond, a lot of times, the BLM plan area. And so it's these kinds of things that need to be considered in that broader concept of what kind of activities could affect this resource in particular. And how you determine what are your reasonable foreseeable future actions, again, depends a lot on the input you're going to get from your collaborators. The cumulative effect, then, should be discussed, the BLM's contribution to that cumulative effect should be discussed and if there are ways to minimize or develop plan elements that can avoid or offset those cumulative effects, those should be a part of your decision making process.

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As you're going through and doing your impact analysis looking at direct, indirect, and cumulative impacts, you're supposed to be first discussing what's out there now. You're supposed to be, basically, creating a discussion of the affected environment, the environment as it exists today, as you've issued your notice of intent, if you will.

You talk about the current conditions, the current nature of the effects that are happening related to outside activities. What kind of information do you have related to these impacts that you're possibly going to have related to the different alternatives, related to the different decisions within those alternatives. Again, you're collecting substantial evidence; you're collecting facts, you're collecting things that are not speculative so you don't want to be having folks say, well I think this is going to happen without the supporting data to help support those particular decisions. As mentioned in the section on data, expert opinion, professional judgment is an important component in doing an impact analysis and so reasoning is an important component of this. But, it's important that you discuss this in a way that you're showing your work, that you're creating a road map that shows, based on these facts, we can make certain assumptions and we can conclude there will be impacts and here are the ways that we're going to offset those impacts. So you want to make sure that is all laid out clearly in the impact analysis.

As you're thinking about the human environment and your impact analysis, you should be thinking of the different resource considerations that basically define what the human environment is. And the BLM planning handbook has a lot of good information on the kinds of resource issues you should be looking at. What is sometimes considered the natural environment related to air and water, biological resources, the vegetation issues, sensitive species issues, general fish and wildlife related to recreation possibly. Of course, you have a long list of the kinds of considerations. You also should be thinking about it in terms of cultural resources and whether that be historic or prehistoric resources, all of those elements need to be a part of your impact analysis scope, if you will.

Continuing on, it's not just about the biological resources, it's also about the resources of the built environment, if you will. The land use issues related to timber harvest, related to grazing, related to different recreation uses. All of those considerations, the economic development of the areas, all of those things are part of the human environment and should be woven into your impact analysis.

You're going to be thinking about things for the resource analysis based on special designations, if you have historic monument, if you have other designations that are done as part of the federal management of the lands, or it could be neighboring lands that are also relevant. So it's all of those kind of issues that are very important. And again, when you're thinking about boundaries, you have a BLM planning area and you might have impacts that don't necessarily stay within where the federal decision making's going to happen and you should be thinking about both those impacts within the plan area and also if there are effects to the human environment outside the plan. All of that needs to be an important part of the analysis. And when you're reaching out and

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doing scoping, when you're discussing with your collaborators how you're going to do this impact analysis, part of this communication is how you're approaching the impact analysis, very important, it's very important, not just to get buy in but also to get relevant information from these other players. They may not have a lot of information that can help you do that impact analysis.

And then the last thing as you're doing your impact analysis, NEPA and the CEQ regulations actually say once you're in an EIS, you should be thinking about social and economic issues related to the particular alternatives. So, are there certain decisions that you're going to be doing as part of the plan and the alternatives that you're looking at that might have an economic effect. That isn't necessarily going part of the human environment when you're deciding it's something significant in order triggering an EIS. But once you're in the EIS, you should be discussing possible economic effect. There are also social issues that go beyond your common land use issues. Are there going to be effects to certain populations? That also needs to be considered. So your environmental justice issues, is there a disproportionate effect to low income or minority populations? This is a separate component, not necessarily, again, part of the impact analysis, but still needs to be considered as part of the broader NEPA analysis.

Also talking about health and safety. A lot of the decisions that BLM is going to be making relate to existing environmental issues. You're looking at the affected environment and you have certain uses that have occurred that may be ending. How are you reclaiming those areas? Whether it be because of mining, whether it be through hazardous issues that either naturally occur in the environment, or have occurred from past uses. All of those issues, again, should be woven in to the impact analysis. And as we mentioned in the integration section, coordination with the different tribal interests is also very important. Including how the BLM decisions may affect Indian trust assets. And so, that's another important component in the impact analysis. Again, that might go beyond just your traditional impacts to the human environment.

You have a lot of this summarized in your planning handbook, and it's important as you're looking at the EIS and deciding what impacts should be included in the document. Again, always focusing, what's reasonably foreseeable? What substantial evidence do I have to support this decision? The ultimate goal here is to do a good faith effort at full disclosure, collecting substantial evidence showing that the federal agency took a hard look at those possible effects to the human environment.