

## Determination of NEPA Adequacy: What is a DNA? When is it Used?

CATHY: Meagan, why don't you start us off by telling us, what is a DNA?

MEAGAN: Sure, Cathy. A DNA is a determination that an action is adequately analyzed in an existing NEPA document and conforms to the approved land use plan. A DNA is a means by which you use existing NEPA to cover your proposed action without doing any additional NEPA.

The DNA is a Department of the Interior procedure. This concept is not specifically described in the Council on Environmental Quality NEPA Regulations.

It's also helpful to note that the terminology has changed with the 2008 NEPA Handbook. Previously, a DNA was known as the documentation of NEPA adequacy. Under the 2008 handbook, it's known as a determination of NEPA adequacy. This is to reflect the true nature of the DNA, as a review process, regardless of whether or not the actual process is documented.

DNAs require critical thinking. This is not a time to simply go through the motions or check off boxes on a check list. Remember that ultimately you are determining that existing NEPA is adequate for agency decision making.

If you have an action that could be covered by either a categorical exclusion or a DNA, a DNA is generally preferable as it relies on existing NEPA analysis to support decision making. A categorical exclusion is absent that analysis.

Lastly, you can only rely on a BLM NEPA document for a DNA. If there's an existing NEPA document relevant to your proposed action that was prepared by another agency, such as, for example, National Park Service, you would need to adopt that actual NEPA document. You would not do it through a DNA.

RICHARD: There are four typical circumstances when we do a DNA. First, you may be able to do a DNA when you have a new proposed action that is similar to a previous action that was already analyzed in a NEPA document.

For example, say you have received an application for a special recreation permit for a motorcycle race on an established route. You may be able to do a DNA for the motorcycle race that relies on an EA that was prepared for an OHV race that had been conducted previously on the same route.

Second, you may be able to do a DNA for a new proposed action that is a part of a broader action that was already analyzed in a NEPA document. For example, you could do a DNA for a proposal for a geothermal lease sale for a specific tract which relies on the analysis prepared in the national Programmatic EIS for geothermal leasing.

Third, you may want to do a DNA when it's been a while since the original analysis had been prepared and you want to determine whether new analysis is needed because of new information or changed circumstances.

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For example, say you wrote an EA to grant a right-of-way for road construction to a private landowner four years ago, but you did not reach a decision on it. Say the landowner is just now ready to construct the road. You may want to review the existing EA to determine whether it still adequately addresses resource impacts before you reach a decision on the right-of-way.

Fourth, and this is somewhat a variant on the previous circumstance. You may want to do a DNA when you have new information not considered in your existing analysis that needs to be addressed regardless of how much time is passed.

For example, say you just completed an EA for a grazing permit renewal two weeks ago but have not yet reached a decision. And then yesterday the Fish & Wildlife Service listed a plant known to occur within the allotment as threatened under the Endangered Species Act. You may want to do a DNA to ensure that your analysis is still valid in light of the new information.

JOLIE: Now, Richard, what about when an office has already signed the decision, but it hasn't been implemented? Then a few years later you want to go ahead and implement the decision. Would you need to do a DNA then?

RICHARD: Well, you certainly could. A DNA is a useful process any time you want to evaluate an existing NEPA document. And the DNA worksheet is a particularly good way to build a strong administrative record.