

K. Bogdan: Now we're at Step 4 and we need to describe the effects of reasonably foreseeable actions within the geographic and temporal scope, collect information on reasonably foreseeable actions, regardless of who will take the action, that would have an effect on the resource at issue within the geographic and temporal scope. This should have already been addressed in scoping.

Section 6.8.3.4 of the BLM NEPA Handbook explains that, for the BLM, reasonably foreseeable actions are: proposals for which there are existing decisions, funding, or which are highly probable based on known opportunities or trends. You should not be limiting your reasonably foreseeable future actions to just those that are approved or funded, though. Including federal actions is important if the NEPA process has already begun for them; for example, if there's the publication of the Notice of Intent in the Federal Register to prepare an EIS. This kind of action would be considered reasonably foreseeable.

However, you're not required to speculate about future actions that are merely possible, but not considered highly probable, and this is going to be based on the information that's available to you.

R. Hardt: When considering reasonably foreseeable actions, it may be helpful to ask some questions like: Does the BLM have any existing decisions or formal proposals either internally or externally generated? These should be the easiest actions to be able to identify.

K. Bogdan: Right. An example might be is, if one BLM office has a grazing permit they're working on and then the neighboring office also has a grazing permit within the same geographic scope.

R. Hardt: Ask: Do other federal agencies have any existing decisions or formal proposals? Has the NEPA process begun for those actions, such as publication of an NOI?

K. Bogdan: An important thing to remember there is, of course Federal Register you're going to see the notices of intent, but you also have the challenge some federal agencies don't announce when they're preparing the environmental assessment, doing the FONSI, certainly when they're doing categorical exclusions, and so it's important sometimes to reach out to those neighboring federal agencies to ask what other actions are going on.

R. Hardt: Are there any tribe or state or local agencies that have any existing decisions or formal proposals?

K. Bogdan: Yeah, and again, reaching out to these other agencies is important because they don't always announce what they're doing. The State Department of Forestry might be approving a timber harvest, again within the geographic scope that you were analyzing for your cumulative effects.

R. Hardt: Are there any other existing decisions or formal proposals for private actions?

K. Bogdan: Right. So the private developer might have already submitted a proposal for a permit.

R. Hardt: Even if there are no existing decisions or formal proposals, ask: Are there future actions for which there's a commitment of resources such as funding?

K. Bogdan: One of the things to consider when you're looking at something like funding is, are there bond measures pass? Are there budgets that local agencies have already passed related to certain kinds of projects, again within your geographic scope.

R. Hardt; Are there adopted plans at federal, state, local or tribal that indicate likely opportunities for future actions?

K. Bogdan: Yeah. Many land use planning agencies develop general plans. They zone for certain uses, and so it's important to look at that and decide how is that fitting into the geographic scope, temporal scope? Are these uses such that we can estimate effects that would be considered highly probable?

R. Hardt: Consider whether there are any actions that have already been taken that would trigger future actions.

K. Bogdan: Yeah. You might have an approval of a ski resort or some kind of development that requires public services, like road widening, and so that's really important to consider, not just the approved action, but those other activities that are foreseeable.

R. Hardt: Right. Similarly, ask: Have any actions been taken that are interdependent parts of a larger action, or depend upon the larger action for their justification?

K. Bogdan: Yeah. It's kind of, the reverse way of looking at it is, you're looking at a private road to a forest stand and you have to say, well, the only reason that road's there is there's going to be timber harvest associated with it, and so that's the highly probable effect, or action, that you need to be considering within the reasonably foreseeable actions.

R. Hardt: But even in the absence of existing decisions, or funding, or formal proposals, ask: Are there established industry practices that indicate highly probable future actions based on known trends?

K. Bogdan: Sometimes you need to look at past activities. For instance, sand and gravel mining might be one where it fluctuates with the kind of market that is going on and you may be looking at trends and saying, well, there are cycles in the market and those cycles need to be considered related to what's going to be happening in the future, and does that equate to a reasonably foreseeable action?

C. Humphrey: Those were all good questions and I think that'll really help people determine what's a reasonably foreseeable action, and we've listed those questions in our Resources. But

I have, another question came up. You talked about approved plans, but what about a draft plan that hasn't been approved? How would you deal with that?

K. Bogdan: Yeah. Well, draft plans are important because they may be the best available information related to another agency's reasonably foreseeable future actions. Taking that draft plan and using that analysis where you are able to best do an estimate related to those projected effects is an important part of the NEPA process. You should be bringing that in. If you're going through the process and the draft plans become final at a later time, you should, if there's still discretion related to the federal action, you should be circling back and making sure you have a record to say with that final plan, does that change any of the assumptions we made in our cumulative effects analysis? And if it has, document that. If it hasn't, document that as well.

R. Hardt: It can often be very difficult when you have a draft plan to really provide any meaningful analysis. Of course, if an agency started a plan, that makes it reasonably foreseeable, but there may be really strong limitations. For example, if BLM is writing an RMP, yes, it's reasonably foreseeable BLM's going to adopt an RMP, but the range of alternatives may be very wide and the impacts that would occur might be very different, so it might make it very hard to do any meaningful analysis within the context of your cumulative effects analysis. So we have to be aware of those limitations and only go as far as we can with the information that's available and not speculate about where the agency may choose to go in the end.

K. Bogdan: After the list of reasonably foreseeable projects has been prepared, and remember that list may be different for each resource issue, you'll then need to describe the direct and indirect effects of the actions. Tiering from a programmatic EIS, especially your RMP/EIS, may be appropriate in these instances to address the effects of reasonably foreseeable actions in your cumulative effects analysis. If the analysis has been done, you do need to evaluate whether it's up to date, relevant to your issue, and at the appropriate geographic and temporal scope. Now incorporation by reference from a document that is reasonably available for public inspection may also be appropriate for addressing the effects of reasonably foreseeable actions in your cumulative effects analysis. But just remember, if you're going to incorporate by reference, you must summarize what you're incorporating by reference, in the text of your effects analysis, and don't forget to include the specific pages, citations, sections you're incorporating. Now take a look at the reasonably foreseeable actions in the examples.

C. Humphrey: I have another one for you. How about wildfires and other natural disturbances? How do those fit in?

R. Hardt: These can be very difficult to build in. Often the best place to address these, though, is really going to be in the Affected Environment section. These aren't actions, in the same sense, these are really changes in the resource condition, so often the best way to talk about them is in the Affected Environment we not only are describing the existing condition of the resource, but we're talking about its trend as well.

So for example, if you have good enough information, say about a return interval of wildfires, you can use that information to describe the trend of that resource and incorporate that into your analysis, and so it really depends on us having good enough information, though.

Another similar situation is where we're dealing with changing climate conditions. If we have good information on changing climate conditions over the past decades, and we have enough information to say that it is highly probable that it will continue to change in that manner in the future, we should describe that in the Affected Environment if it's relevant to our resource. However, we shouldn't be speculating, though, about changes that are not highly probable at this point.

C. Humphrey: I have a couple scenarios for you. So what if a private land owner has been publicly discussing developing land that is adjacent to the project? Or maybe they've approached the BLM about applying for a right-of-way grant, but they haven't filed for any permits with the state or the county or the BLM. Would you consider these reasonably foreseeable actions?

R. Hardt: I think that would be difficult to consider that reasonably foreseeable. A discussion really doesn't constitute a formal proposal. We often have exploratory discussions with people who may request a permit or may approach us with it (a project proposal), and if it would be speculative to say that that will happen, or that that's highly probable to happen, then we shouldn't be considering that as a reasonably foreseeable future action.

K. Bogdan: After the list of reasonably foreseeable projects has been prepared—and remember that list may be different for each resource issue—you'll then need to describe the direct and indirect effects of the actions. Tiering from a programmatic EIS, especially your RMP/EIS, may be appropriate in these instances to address the effects of reasonably foreseeable actions in your cumulative effects analysis. If the analysis has been done, you do need to evaluate whether it's up to date, relevant to your issue, and at the appropriate geographic and temporal scope.

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