

APPENDIX A

Selected Parts Of BLM's National Environmental Policy Act Handbook: H-1790-1

INTRODUCTION Page i

The purpose of this handbook is to provide instructions for complying with the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR Parts 1500-1508) and the Department of the Interior's manual guidance on the National Environmental Policy Act of 1969 (516 DM 1-7). This handbook is intended for use by Bureau of Land Management (BLM) officials responsible for oversight of and compliance with the National Environmental Policy Act (NEPA) within their program area and the BLM personnel responsible for preparing NEPA documents.

The objectives of this Handbook are: to establish systematic practices for integrating the procedural requirements of NEPA into the planning and decisionmaking processes used by the BLM; to ensure a logical and coherent record of NEPA compliance within the BLM; and to promote efficiency in the preparation and documentation of NEPA documents by reducing delays and eliminating unnecessary paperwork.

CHAPTER V — PREPARING ENVIRONMENTAL IMPACT STATEMENTS

A. General Page V-1

When a proposed action, including a proposed policy or legislative recommendation, is projected to have a significant impact on the quality of the human environment, an environmental impact statement (EIS) must be prepared. An EIS is intended to provide decisionmakers and the public with a complete and objective evaluation of significant environmental impacts, both beneficial and adverse, resulting from a proposed action and all reasonable alternatives. An EIS is a major vehicle for fulfilling the substantive environmental goals set forth in NEPA.

B. Environmental Impact Statement Procedures Page V-2

1. Scoping the EIS

“The purpose of scoping, generally, is to focus the analysis on significant issues and reasonable alternative...”

e. Identify Purpose and Need, Alternatives to be Considered, and Impacts to be Analyzed Page V-4

(3) Impacts to be Analyzed Page V-5

In some cases, impact thresholds may be identified (i.e., minimum or maximum levels of acceptable impact.

f. Identify Information and Data Needs Page V-5

... and determining if there is any incomplete or unavailable information.

Information needs are primarily determined by the extent to which the proposed action and alternatives are likely to affect the quality of the human environment.

Use the guidance in 40 CFR 1502.22 if, at any time during scoping or preparation of the EIS, it is determined that relevant information is incomplete or unavailable.

2. Conducting the Analysis and Preparing the Draft EIS Page V-7

a. Conduct the Analysis Page V-7

Page V-7. **(3)** Analyzing the impacts of the proposed action and each alternative of the affected environment (40 CFR 1502.16). The manager and team leader preparing the EIS have flexibility and discretion in determining how the analysis is accomplished. The objective should be to find the most efficient method(s) of estimating potential impacts.

Page V-8. When analyzing impacts, consider the effects of actions from the perspective of future generations in addition to considering their immediate effects. In other words, analyze short-term uses of the environment in terms of their effects on long-term productivity or resources and the irreversible and irretrievable commitments of resources resulting from those uses. To the extent possible, the analysis of impacts should be quantified. All impacts should be evaluated against the requirements in 40 CFR 1508.8, and 1508.27. Where there is incomplete or unavailable information for evaluating reasonably foreseeable significant adverse impacts, the procedures identified in 40 CFR 1502.22 must be followed.

Page V-8. **(4)** Developing and analyzing mitigation measures (40 CFR 1502.14 (f) and 1508.20).

Page V-8. **(5)** Identifying appropriate monitoring and enforcement activities for mitigation measures (40 CFR 1505.2(c)).

4. Analyzing the Comments and Preparing the Final EIS Page V-11

Following the public review period, comments must be analyzed, appropriate responses prepared, the EIS changed as appropriate, and a final EIS issued.

a. Evaluate and Respond to Public Comments Page V-11

Public comments (written or oral) play an integral role in the NEPA process. Comments on the draft EIS differ from public involvement earlier in the process because this is the first chance the public has to review and comment on the impact analysis and the agency's preferred alternative and/or proposed action. Comments are addressed if they: are substantive and relate to inadequacies or inaccuracies in the analysis or methodologies used; identify new impacts or recommend reasonable new alternatives or mitigation measures; or involve substantive disagreements on interpretations of significance (see 40 CFR 1502.19, 1503.3, 1503.4, 1506.6, and 516 DM 4.17).

(1) Comments on Inaccuracies and Discrepancies. Factual correction should be made in the EIS in response to comments which identify inaccuracies or discrepancies in factual information, data, or analysis. Page V-11.

(2) Comments on the Adequacy of the Analysis. Comments which express a professional disagreement with the conclusions of the analysis or assert that the analysis is inadequate may or may not lead to changes in the EIS. Interpretations of analyses should be based on professional expertise. Where there is disagreement within a professional discipline, a careful review of the various interpretations is warranted. In some cases, public comments may necessitate a reevaluation of analytical conclusions. If, after reevaluation, the manager responsible for preparing the EIS does not think that a change is warranted, the response should provide the rationale for that conclusion. Page V-11.

(3) Comments Which Identify New Impacts, Alternatives, or Mitigation Measures. If public comments on a draft EIS identify impacts, alternatives, or mitigation measures which were not addressed in the draft, the manager responsible for preparing the EIS should determine if they warrant further consideration. If they do, that official must determine whether the new impacts, new alternatives, or new mitigation measures should be analyzed in either; the final EIS; a supplement to the draft EIS; or a completely revised and recirculated draft EIS.

(4) Disagreements With Significance Determinations. Comments may directly or indirectly question determinations regarding the significance or severity of impacts. A reevaluation of these determinations may be warranted and may lead to changes in the EIS. If, after reevaluation, the manager responsible for preparing the EIS does not think that a change is warranted, the response should provide the rationale for that conclusion. Page V-11.

(5) Expressions of Personal Preferences. Comments which express personal preferences or opinions on the proposal do not require a response. They are summarized whenever possible and brought to the attention of the manager responsible for preparing the EIS. Although personal preferences and opinions may influence the final selection of the agency's preferred action, they generally will not affect the analysis.

C. Documentation Page V-15

3. The Draft Environmental Impact Statement Page V-15

c. Summary Page V-16

It should emphasize those consideration, controversies, and issues which significantly affect the quality of the human environment (516 DM 4.8).

c. Alternatives Including The Proposed Action Page V-17

(5) Summary of Environmental Impacts Page V-18 Provide a summary comparison of the environmental impacts of the proposed action and the alternatives, based on the results of the analysis in the sections on the Affected Environment and Environmental Consequences. This is best done with both tables and narrative. Tables are useful for displaying the impacts so the reader can observe the major differences across the alternatives. The narrative should not simply repeat impacts and key elements from the tables but should highlight the differences in impacts. This discussion should not, however, contain value judgements regarding the relative merits of the alternatives, e.g. rankings from best to worst. The summary analysis should be objective and, to the extent possible, quantified.

g. Affected Environment Page V-18 (required by 40 CFR 1502.10(f); also see 40 CFR 1502.15). This section should describe the components of the human environment including the physical, biological, social, and economic resources and conditions that would be affected by the alternatives considered. Descriptions should be quantified, if possible, and they should be no longer than absolutely necessary to understand the impacts of the alternatives. It is not necessary or desirable to fully describe parts of the environment that would not be affected in a significant way, although they may be noted in an introduction. This section serves as a baseline showing conditions, including trends in those conditions, as they exist prior to the initiation of the proposed action or any alternative.

Page V-19. Describe the relative importance of the affected resource and its relationship to the region.

Page V-19. Identify incomplete or unavailable information as defined in 40 CFR 1502.22 and describe efforts that were made to obtain it.

h. Environmental Consequences (required by 40 CFR 1502.10(g); also see 40 CFR 1502.16) Page V-19

The topics below are appropriate to the section in the EIS on environmental consequences, but need not be used as individual section headings. How the information is organized is up to the manager responsible for preparing the EIS. If the EIS is combined with another document, this section must be added to the combined document, must contain all the environmental analysis, must be clearly labeled, and must be distinctly separated from other material, i.e., not interwoven with the rest of the document (516 DM 4.6).

Information and analyses may also be effectively incorporated by reference in the environmental consequences section of the EIS to help reduce the bulk of the narrative. All source material and technical references should be cited in footnotes, where appropriate, and included in the bibliography for the EIS.

(1) Assumptions and Assessment Guidelines Page V-19 Describe assumptions and assessment guidelines used in analyzing the environmental consequences, either in a separate section or in the discussion of impacts. This information provides the reader with a basis for understanding and judging the reliability of the impact analysis. Identify any criteria, time-frames, rates of change, and other common data or ground rules for analysis which were used by team members in conducting the analysis. Clearly explain the methodology and assumptions used when information critical to the analysis was incomplete or unavailable (see 40 CFR 1502.22).

(2) Impacts of the Proposed Action and the Alternatives Page V-20 Analyze and describe the direct, indirect, and cumulative impacts on the quality of the human environment of the proposed action and each alternative analyzing in detail, including the no-action alternative. Also identify possible conflicts between the proposed action (and each alternative) and the objectives of Federal, regional, State, local, and Indian tribal land use plans, policies, and/or controls for the area concerned. Describe the energy and natural or depletable resource requirements and conservation potential of the proposed action and each alternative. Discuss, where applicable, urban quality, historic and cultural resources, and the design of the built environment including the reuse and conservation potential of the proposed action and each alternative. The magnitude of all impacts should be identified and the risks associated with such impacts assessed. The description of impacts should identify how short-term uses of the environment will affect long-range productivity of resources and identify any irreversible and irretrievable commitments of resources resulting from those uses.

Clarity of expression, logical thought processes, and rationale explanations are far more important than length or format in the discussion of impacts. Subjective terms should be avoided. The analysis should lead to a pointed conclusion about the amount and degree of change (impact) caused by the proposed action and alternatives. To the extent possible, the level of certainty associated with such conclusions should be noted. The impact analysis may be either organized by alternative or by resource.

(3) Mitigation Measures Page V-20 Analyze and describe any mitigation measures which could be implemented to avoid or reduce the projected impacts of the proposed action or alternatives. It is recommended that the discussion distinguish between those measures which the BLM has the authority and resources to enforce or implement and those which the BLM does not have the authority and resources to enforce or implement. Identify the effectiveness of the mitigation measures in reducing adverse impacts or enhancing beneficial impacts, including any residual impacts or unavoidable adverse impacts which remain after mitigation measures have been applied. Also identify any further impacts caused by the mitigation measures themselves. Where applicable, discuss the energy and natural or depletable resource requirements and conservation potential of mitigation measures as well as the reuse and conservation potential of mitigation measures associated with urban quality, historic and cultural resources and the design of the built environment.