

## **APPENDIX 6.3      THINGS TO CONSIDER WHEN DETERMINING WHETHER AN EA OR EIS IS MORE BENEFICIAL**

**To determine if an EA or EIS would be more beneficial to the decision-maker, the decision-maker should consider the following:**

- Whether two or more CEs are needed to cover the entire project because one CE should easily cover the entire proposed action. For example, if one CE covers the main project and a different CE covers a connected action, the potential for environmental impacts is increased.
- Whether the project that may be covered by the CE has the potential for measurable environmental impact.
- Whether mitigation is required to avoid the potential for environmental impacts. Only minimal mitigation should be part of an action categorically excluded, and the effectiveness and enforcement of the mitigation must carry a high degree of certainty.
- If a local, state, or federal agency with jurisdiction by law over an affected resource believes the potential for measurable environmental impact exists for an action that OSMRE initially intends to categorically exclude from further analysis, you must prepare an EA or an EIS.
- If the action involves “unresolved conflicts concerning alternative uses of available resources (NEPA, 42 U.S.C. § 4321),” alternatives to the proposed action must be developed and studied. If an OSMRE action described on the list (516 DM 13.4(A)) does involve such conflicts, you must prepare an EA or an EIS.
- The definition of categorically excluded actions includes those actions that cumulatively do not have the potential for measurable impact on the human environment. If the action is a part of a broader action, or one in a series of similar or related actions, the broader policy, program, or proposal must be the subject of a NEPA analysis first. Elements of the action may subsequently be analyzed more specifically using the tiering approach.