

The Difference Between an Environmental Assessment (EA) and an Environmental Impact Statement (EIS).

In general, under the National Environmental Policy Act (NEPA), the difference between an EA and an EIS is simple. An EA is a concise review document taking into account the purpose and need of the proposal, any alternatives, and a brief review of the impacted environment. An EA will either result in a Finding of No Significant Impact (FONSI) or if significant environmental impacts appear likely, an EIS. The FONSI determination is made without consideration of any cumulative impacts or geographic context.

An EIS is a much more comprehensive document. An EIS requires everything an EA would require while also requiring a much more comprehensive discussion of the reasonable alternatives, and a “hard look” at the cumulative impacts of the proposal along with all existing and reasonably foreseeable future development within the project area.

The use of an EA rather than an EIS means that an agency is not required to assess the cumulative impacts of the proposal along with all other existing and reasonably foreseeable future development nearby. In a practical sense, EAs function as *piecemeal* planning due to their limited scope, while EIS’s function more as holistic, landscape-level planning.

What this means for the NFMMDP?

1. The BLM is inconsistent in its use of an EA v. EIS.
In the Preliminary EA for the NFMMDP, the BLM states that in Colorado the BLM typically uses an EA for individual development proposals while only conducting an EIS for regional planning and other large-scale projects. However, the exact same BLM Field Office conducted an EIS for the Bull Mountain MDP right next door to this project. The BLM also states that they found the proposed second phase of the NFMMDP to be “too speculative,” despite the fact that Gunnison Energy originally submitted the project to the BLM as a single proposal.
2. The BLM is not being transparent with the public regarding the potential for industrializing the watershed, and the risks presented by the intended full-scale development. By not considering the 108-well proposed 2nd phase of the NFMMDP originally contemplated for this proposed action by Gunnison Energy, the BLM is artificially minimizing the scale of impacts from this particular project, and is therefore able to state that since this project is relatively small there are likely not going to be any significant impacts.
3. The BLM is not considering the cumulative impacts of this proposal beyond the boundaries of the proposed project.

The use of an EA rather than an EIS means that the BLM is not required to assess the cumulative impacts of the proposal along with all other existing and reasonably foreseeable future development nearby. In the Preliminary EA for the NFMMDP, the BLM does take a brief look at cumulative impacts, but the level of review falls far below the standard of that in an EIS. An EIS would require the BLM to take a hard look at those cumulative impacts in every section of the analysis, including climate impacts, surface and ground water impacts, air quality, infrastructure, wildlife, and much more.