

AGENDA

- **What is NEPA and Why it's Important**
- **NEPA Process**
- **Challenges and Keys to Success**



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WHAT IS NEPA AND WHY IS IT IMPORTANT?

➤ The National Environmental Policy Act (NEPA) of 1969 was created to ensure federal agencies take into consideration environmental actions and decisions for projects that are:

- » Located on Federal lands;
- » Federally-funded;
- » Require federal authorization (such as a permit or license)

➤ NEPA resulted from several significant environmental disasters



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WHAT IS NEPA AND WHY IS IT IMPORTANT?



- Full disclosure of project impacts
- Decision making tool
- Avoids unintended consequences
- Provides opportunity for public input



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WHAT IS NEPA AND WHY IS IT IMPORTANT?

➤ Other laws that fall under the NEPA “umbrella”:

- » BEPA: Bald & Golden Eagle Protection Act
- » CAA: Clean Air Act
- » CWA: Clean Water Act
- » CERCLA : Comprehensive Environmental Response, Compensation, Liability Act
- » CZMA: Coastal Zone Management Act
- » ESA – Endangered Species Act
- » FPPA – Farmland Protection Policy Act
- » Wild & Scenic Rivers Act
- » Executive Order (EO) 12898: Environmental Justice
- » EO 11988: Floodplain Management
- » MBTA: Migratory Bird Treaty Act
- » NAGPRA: Native American Graves Protection and Repatriation Act
- » NHPA: National Historic Preservation Act (Section 106)
- » PRPA: Paleontological Resources Preservation Act
- » RCRA: Resource Conservation and Recovery Act
- » SDWA: Safe Drinking Water Act
- » Title VI of Civil Rights Act
- » State & Local Laws
- » WCA: Wetland Conservation Act



NEPA PROCESS – CLASSES OF ACTION

- Categorical Exclusion (CAT EX):
 - » Insignificant effect on the environment
- Environmental Assessment (EA):
 - » Impacts not clear, evaluates alternatives
- Environmental Impact Statement (EIS):
 - » Detailed analysis
- Supporting Analysis
 - » Feasibility Studies
 - » Environmental Information Volumes
 - » Field Studies
 - » ..and more
- Principles of NEPA Decision Making
 - » Alternatives analysis
 - » Impact assessment
 - » Impact mitigation
 - » Interagency coordination
 - » Public involvement
 - » Documentation
- Plan ahead! Timelines vary by class of action.



DEVELOPMENT OF ANALYSIS

- Project Description and Purpose and Need Statement
- Alternatives Development
 - » No action
 - » Action(s) including preferred
 - » History & methodology
 - » Alternatives not being carried forward
- Affected Environment
 - » Baseline Conditions
 - » Best Available Data
 - Existing documents/studies
 - Field Inventory
 - Agency information
 - In-house knowledge
- Environmental Consequences
 - » Impact Analysis
 - Direct
 - Indirect
 - Cumulative
 - » Mitigation
 - Avoid
 - Minimize
 - Rectify
 - Reduce/Eliminate over time
 - Compensate



IMPACT CATEGORIES



- > Air Quality
- > Aquatic Resources (i.e. water, wetlands)
- > Biological Resources (i.e. wildlife, vegetation, T&E species)
- > Climate Change/Greenhouse Gas
- > Coastal Resources
- > Environmental Justice
- > Farmland/Soils
- > Floodplain
- > Geological
- > Hazardous Materials/Waste
- > Historical, Architectural, Archeological, and Cultural Resources
- > Land Use
- > Noise
- > Recreation
- > Socioeconomic
- > Transportation
- > Visual



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AGENCY, TRIBAL COORDINATION AND PUBLIC INVOLVEMENT

- Federal, state, local and tribal coordination and consultation
- Public meeting(s)
- Public comment period(s)
- Stakeholder meetings



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DRAFT AND FINAL NEPA DOCUMENTS

➤ Draft NEPA document

- » Public meeting
- » Public and agency review

➤ Final NEPA document

- » Find of No Significant Impacts (FONSI)
- » Record of Decision (ROD)



CHALLENGES AND KEYS TO SUCCESS

» Challenges

- » Seasonality of field surveys/locations
- » Coordination with Federal, state, local, and Tribal
- » Opposition to the project
- » Timelines for approval
- » Policy changes

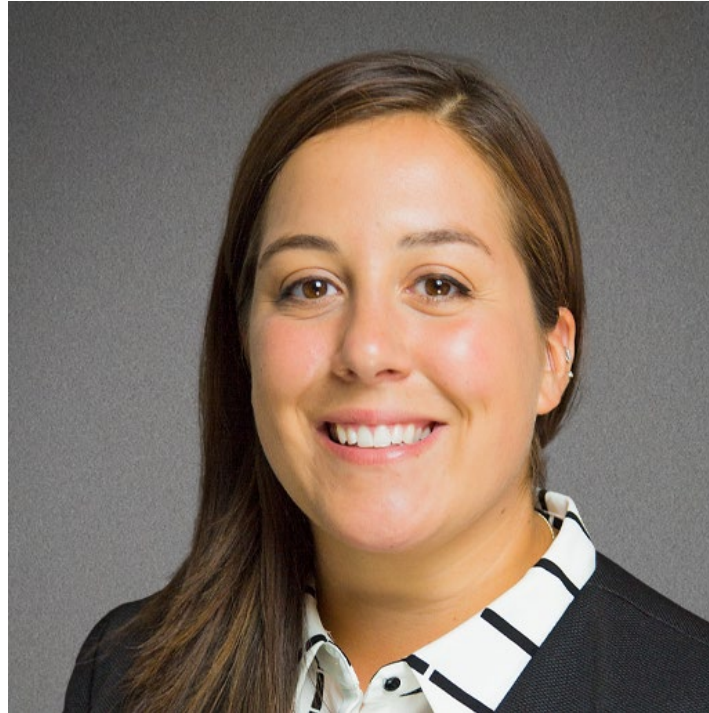


» Keys to Success

- » Communication - early and often!
- » Clear project description/ purpose and need statement
- » Hire a third party NEPA consultant
- » Plan ahead



THANK YOU!



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