



# Northern Border Regional Commission

- The Clark Group – Environmental Consultants
  - Work on behalf of NBRC



THE CLARK GROUP, LLC



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President



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- Ensure NBRC and grantees are compliant with environmental regulations
  - Primarily the NEPA Statute
  - NEPA compliance is necessary for ALL NBRC-funded projects



## What is NEPA?

- National Environmental Policy Act (NEPA) – 1970
  - Promote the protection, preservation, and enhancement of the environment.
  - Growing concerns about the environmental impacts of large-scale development projects
- Purpose:
  - Requires federal agencies to consider the environmental impacts of their actions and decisions before they act.
- NEPA does not dictate an agency's decisions or actions.



*Look before you leap.*



## Umbrella Statute

- Other Federal Requirements

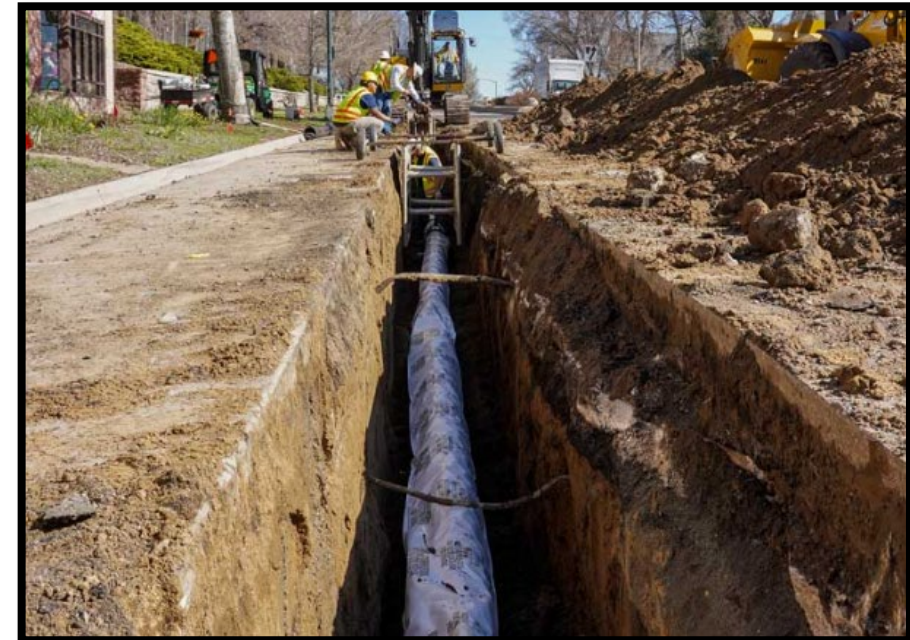
- Floodplain – 8-step required
- Wetlands – 8-step required
- Endangered Species – Section 7 USFWS Consultation
- Cultural Resources – Section 106 Consultation





## What triggers NEPA?

- Federal agencies must consider the potential impacts of **major federal actions** and reasonable alternatives on the human environment
- **Major Federal Actions** – Activities that are undertaken, funded, authorized, or approved by a federal agency.
- NEPA applies to NBRC-funded projects



# Impacts on the Human Environment





## Levels of NEPA analysis

- **Categorical Exclusion (CATEX)**: The project is pre-determined by the federal agency not to have a significant impact on the human environment.
- **Environmental Assessment (EA)**: The project impact is unknown or does not have a reasonably foreseeable significant effect on the quality of the human environment.
- **Environmental Impact Statement (EIS)**: The project has a reasonably foreseeable significant effect on the quality of the human environment.



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## **Categorical Exclusion (CATEX)**

- Maintenance
  - (e.g., repaving streets)
- Renovations
  - Change in capacity <20%
- Repair/Replacement
  - Change in capacity <20%

## **Environmental Assessment (EA)**

- New Construction
  - (e.g., buildings, trails)
- New Infrastructure
- Renovations
  - Change in capacity >20%
- Repair/Replacement
  - Change in capacity >20%



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## **Categorical Exclusion (CATEX)**

- Brief review
- No public comment period
  - (unless another federal requirement is triggered)

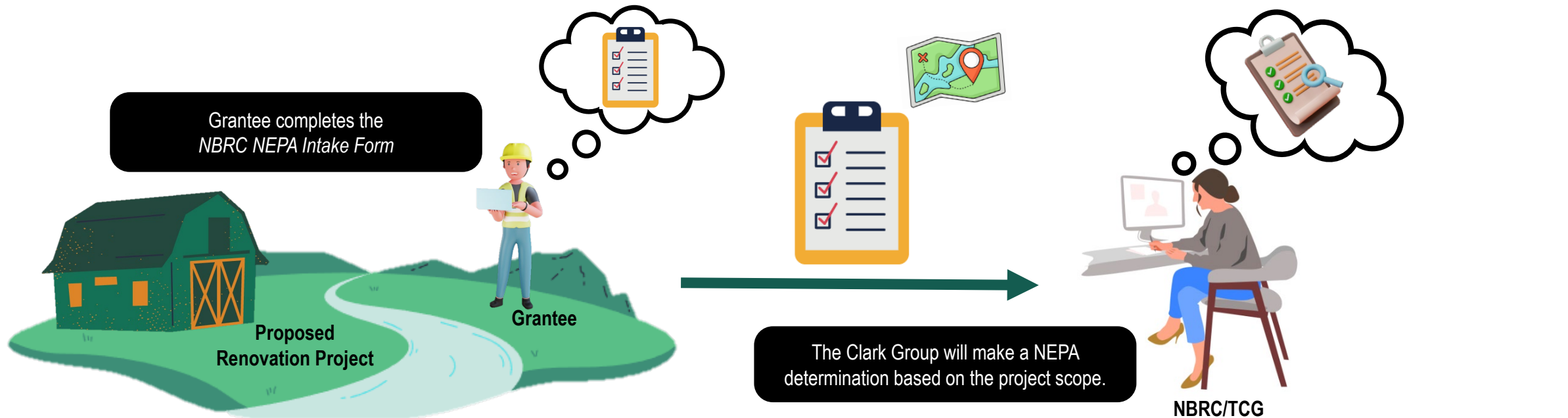
## **Environmental Assessment (EA)**

- Robust review
  - 6-12 + months to develop
- 30-day public comment period





## Making the NEPA Determination for a project

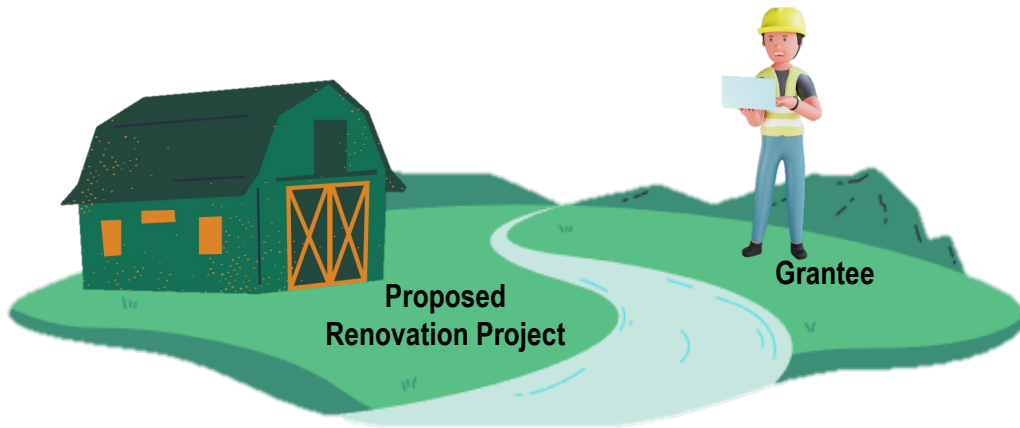


- CATEX or EA**
- Additional Requirements?**
  - Section 106
  - Section 7
  - 8-Step Analysis



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## CATEX Determination

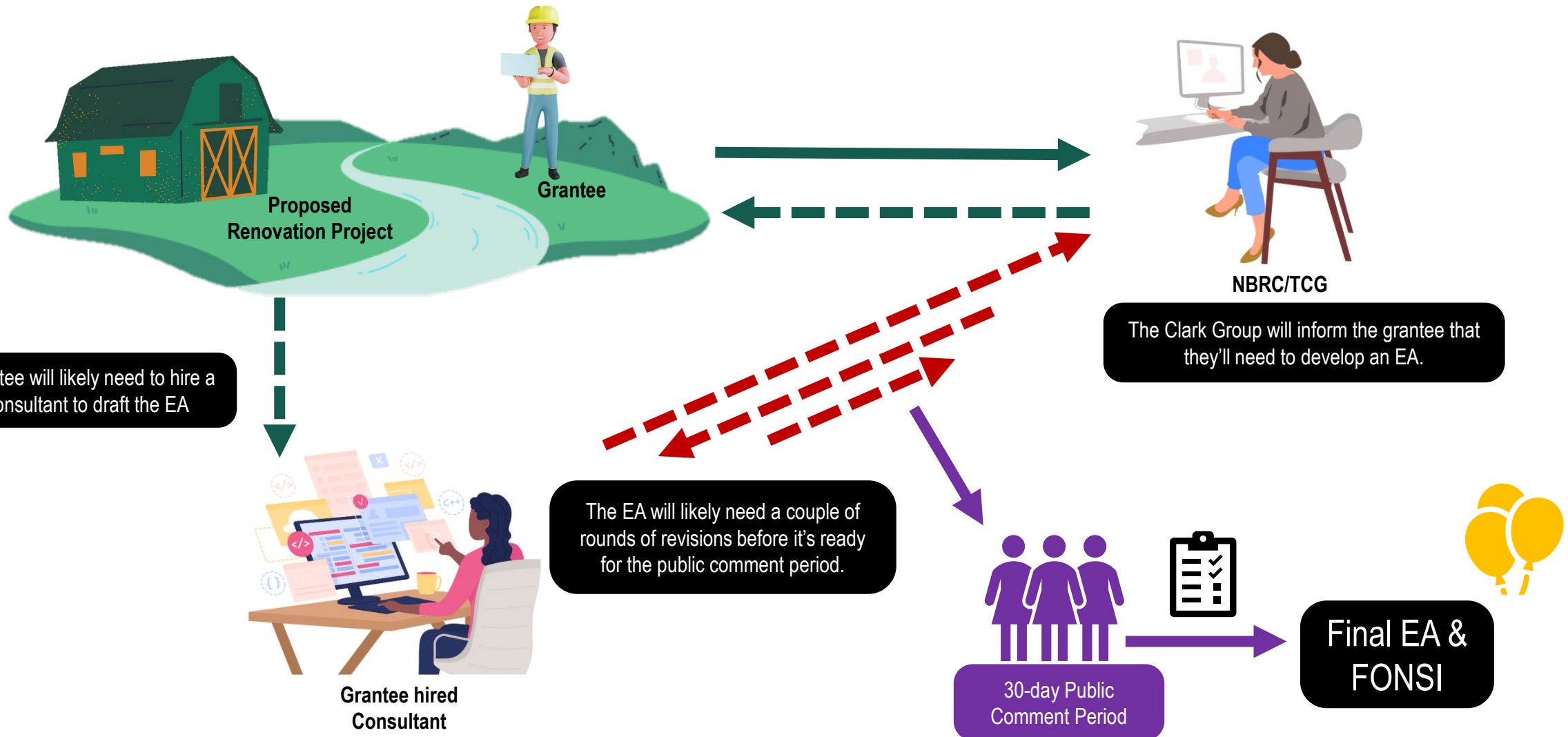


The Clark Group will complete  
a CATEX Determination Form  
for the project.



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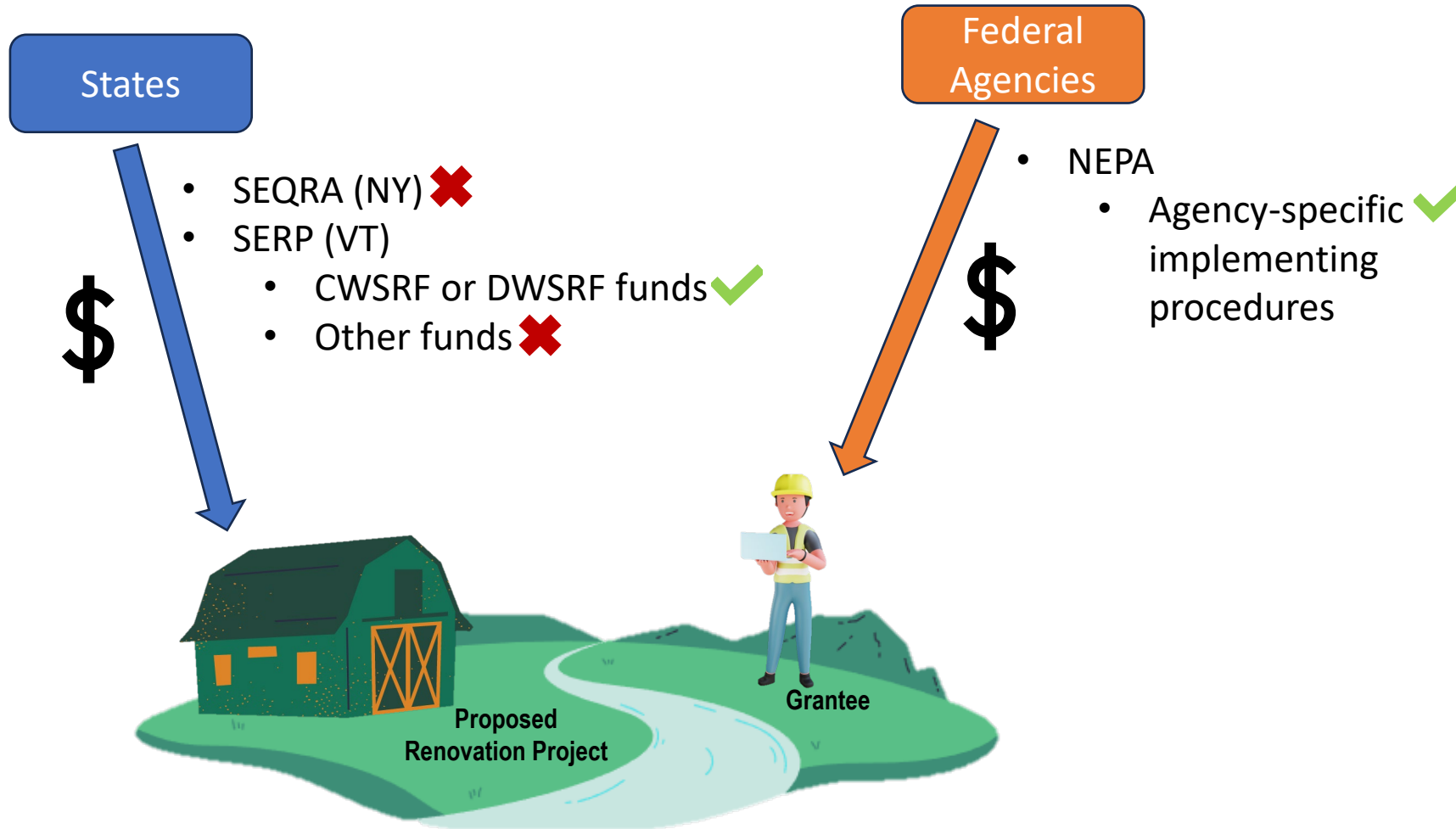
## EA Determination





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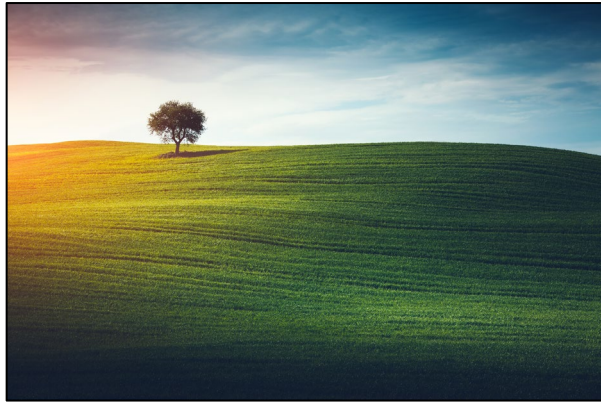
## Other Funding Agencies & NEPA-like Requirements





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- NEPA must be complete before the grantee makes an irretrievable commitment to resources



**Land**



**Property**



**Equipment**



**Services**