



Northern Border Regional Commission

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



THE CLARK GROUP, LLC



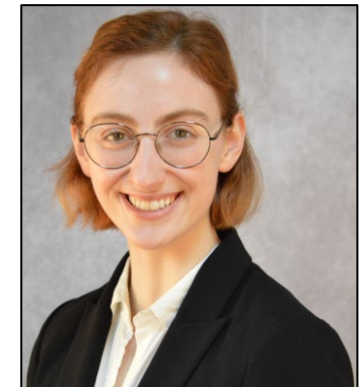
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President



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Project Manager



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Associate



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Associate

- 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

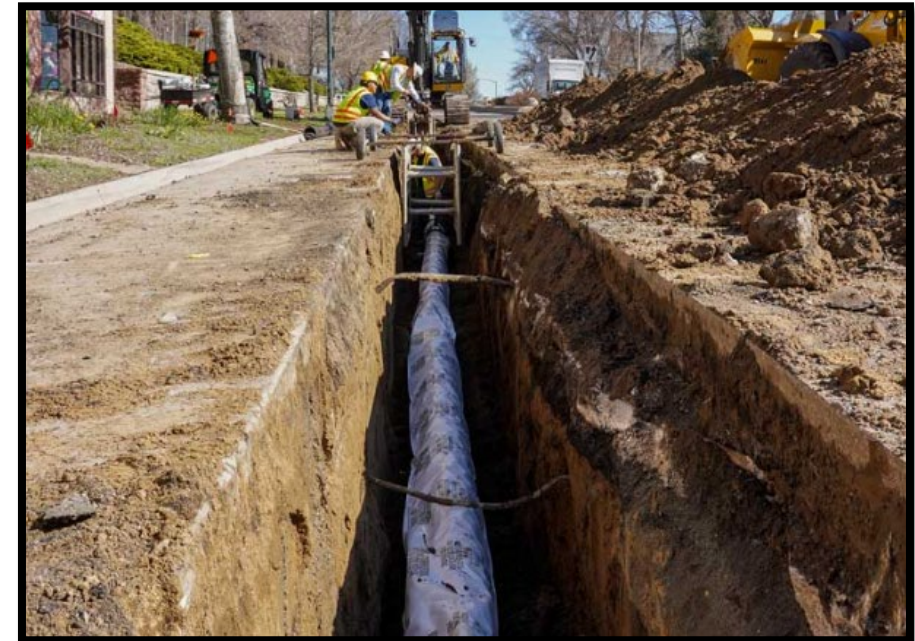
- Floodplain – 8-step required
- Wetlands – 8-step required
- Endangered Species – Section 7 USFWS Consultation
- Cultural Resources – Section 106 Consultation





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

Level 1: Categorical Exclusion (CATEX) The project is pre-determined by the federal agency not to have a significant impact on the human environment.

Level 2: Environmental Assessment (EA): The project impact is unknown or does not have a reasonably foreseeable significant effect on the quality of the human environment.

Level 3: Environmental Impact Statement (EIS): The project has a reasonably foreseeable significant effect on the quality of the human environment.



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Understanding NEPA Implementation Across Federal Agencies

1. Varied Implementation:

Each federal agency implements the NEPA differently.

2. Agency-Specific Procedures:

Agencies are required to adhere to their own NEPA procedures and guidelines.

3. Example: USDA vs. NBRC:

- **USDA Experience:** A project categorized as a CATEX under USDA regulations.
- **NBRC Regulations:** The same project may not be considered a CATEX under NBRC regulations.

4. Takeaway:

Experience with NEPA procedures in one agency does not guarantee the same outcomes in another agency.



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Categorical Exclusion (CATEX)

- Renovations/Replacement
 - Do not change the functional use of property
- Demolition
 - (non NRHP eligible structures)
- Additions
 - (on adjacent disturbed land)
- Acquisition and installation of equipment
- Small new construction projects
 - (on previously disturbed land)

Environmental Assessment (EA)

- Renovations
 - (that change function use of property)
- Demolition
 - On NRHP places or eligible places
- Additions
 - (on undisturbed lands)
- Larger new construction



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Categorical Exclusion (CATEX)

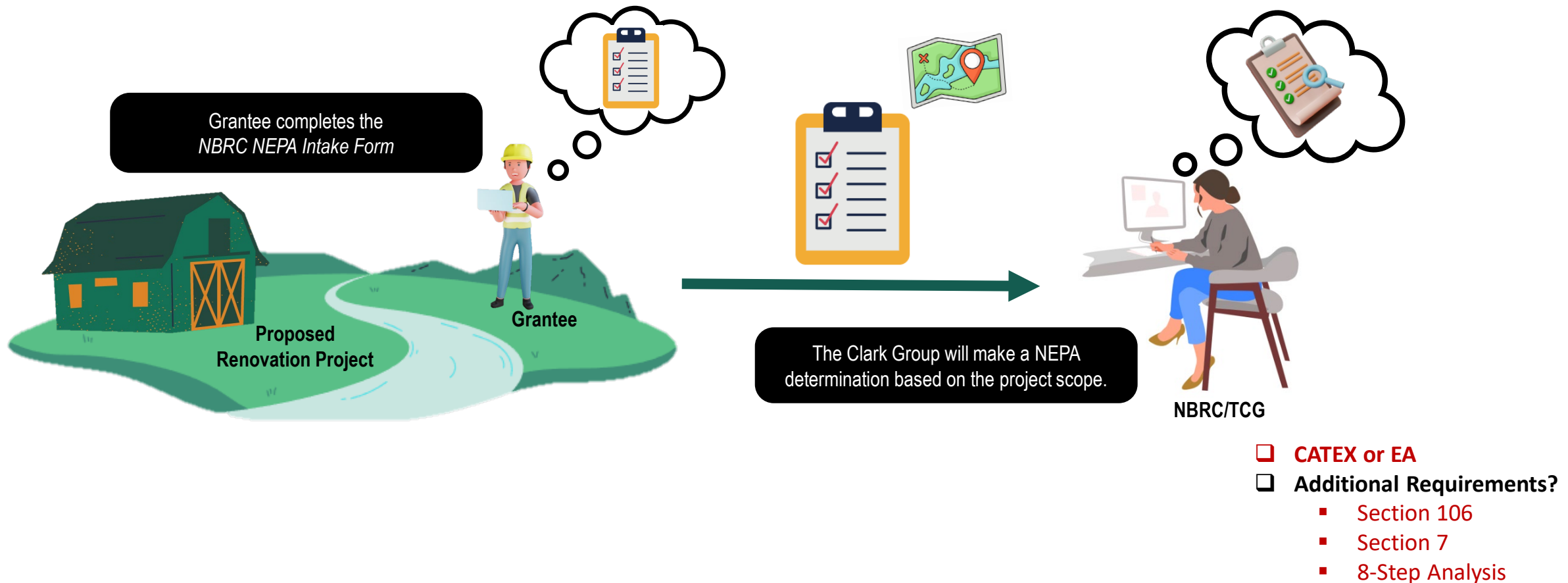
- Brief review
 - < 1 month to develop
- No public comment period
 - (unless another federal requirement is triggered)

Environmental Assessment (EA)

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



Making the NEPA Determination for a project





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- See NEPA Intake Form

NBRC NEPA INTAKE FORM

The National Environmental Policy Act (NEPA) requires that federal agencies consider the potential environmental impacts of their actions before implementation or spending funds on the proposed action. You must complete this initial NEPA Intake Form as part of your NBRC application to provide NBRC Staff with project information relevant to the NEPA process. Please provide attachments to support the information provided on this form, as needed.

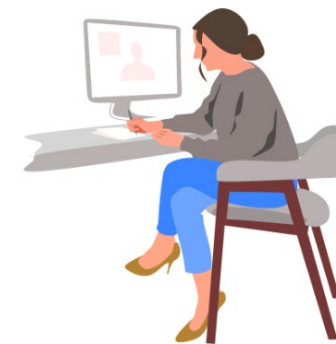
Note: Completion of this form does not satisfy NEPA, but it does help NBRC to determine what NEPA analysis will be required. If your project is funded, the NEPA process must be complete before NBRC will issue a Notice to Proceed.

Entity applying for funding:		
Point of contact (POC):		Date:
Project / NEPA Status Overview		
Has this project been awarded other state/federal funding? (See two rows below if anticipated) <i>If yes, please list the other federal funders here and provide agency POC contact information (include attachment if the space provided below is not sufficient):</i>		<input type="checkbox"/> Yes <input type="checkbox"/> No
Agency #1: Funding Program: POC Name: POC Email:	Agency #2: Funding Program: POC Name: POC Email:	
Does this project anticipate receiving other federal/state funding (but has not received confirmation yet)? <i>If yes, please list the other state/federal funders, the funding program (if known), and the anticipated date for notification of funding decision:</i>		<input type="checkbox"/> Yes <input type="checkbox"/> No
Is a NEPA process currently underway or complete for this project as required by <u>other federal funding</u> ? <i>If yes, please fill in the following information:</i> Federal Agency: POC at Agency: POC Email Address: Status of NEPA (e.g., in progress, complete):		<input type="checkbox"/> Yes <input type="checkbox"/> No



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CATEX Determination



NBRC/TCG



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



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- Additional Federal Requirements



8-Step – for Floodplains & Wetlands

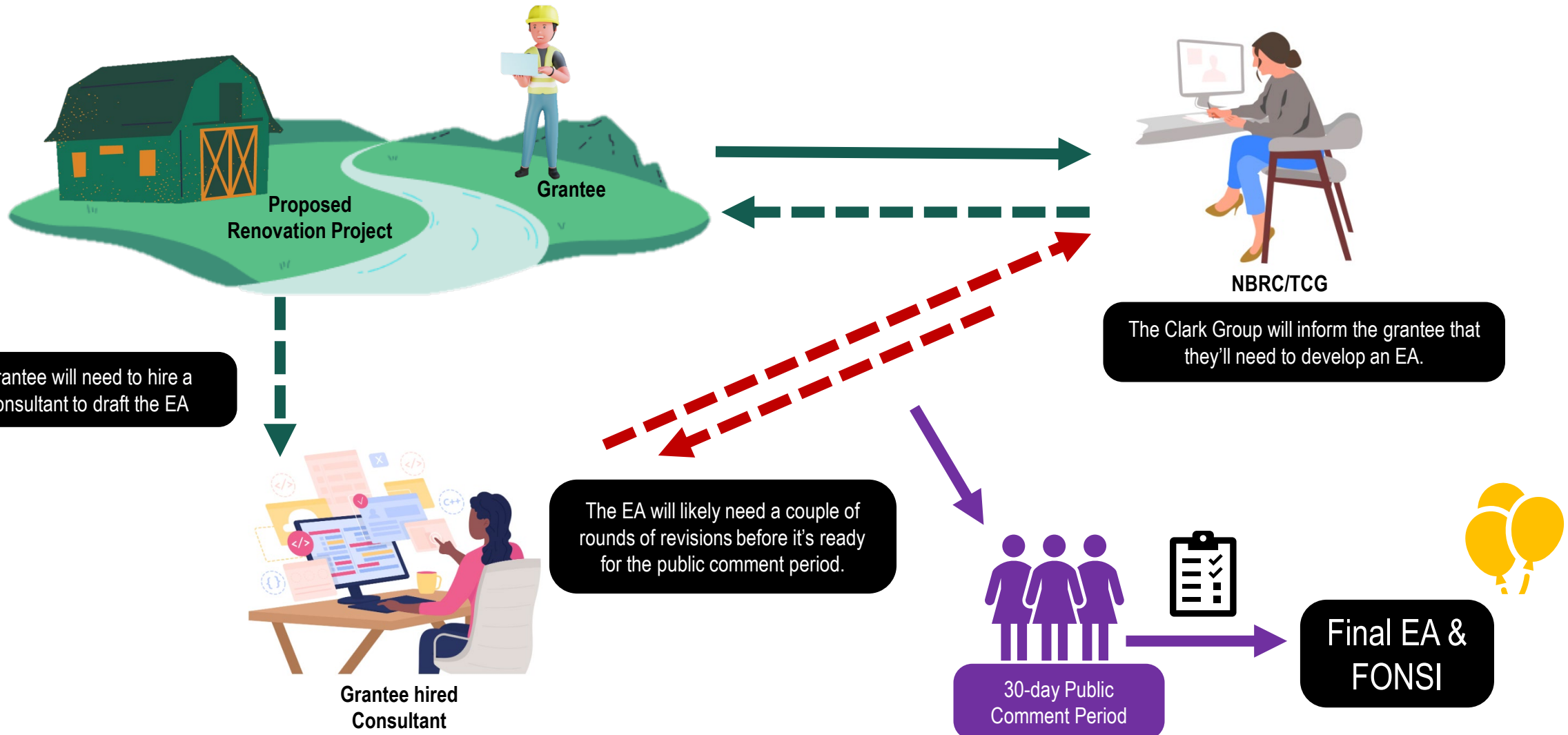


Section 106 – Historic Structures (or eligible structures)



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EA Determination





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The Environmental Assessment Process

1.) Hiring a consultant – to create *NEPA* Environmental Assessments

- ~ \$10,000-\$15,000 (based on project details)
- Work with NBRC to receive PNTF \$
- Preliminary design plans for NEPA may also require PNTF \$





The Environmental Assessment Process

2.) EA Template – Utilize the provided template, which includes detailed instructions, guidance, and examples.

3.) EA Draft Review Process – Generally, 2-4 reviews are necessary

- Each review by TCG usually takes 1-2 weeks

Draft Environmental Assessment

Delete "Draft" prior to completing the Final EA

Grantee Name

Project Name

Grant Program

Award #: NBRC-XX-XXXX

Month Year

Prepared By:



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The Environmental Assessment Process

4.) 30-Day Public Comment Process – Allows the public to review and provide feedback on the EA and the project.

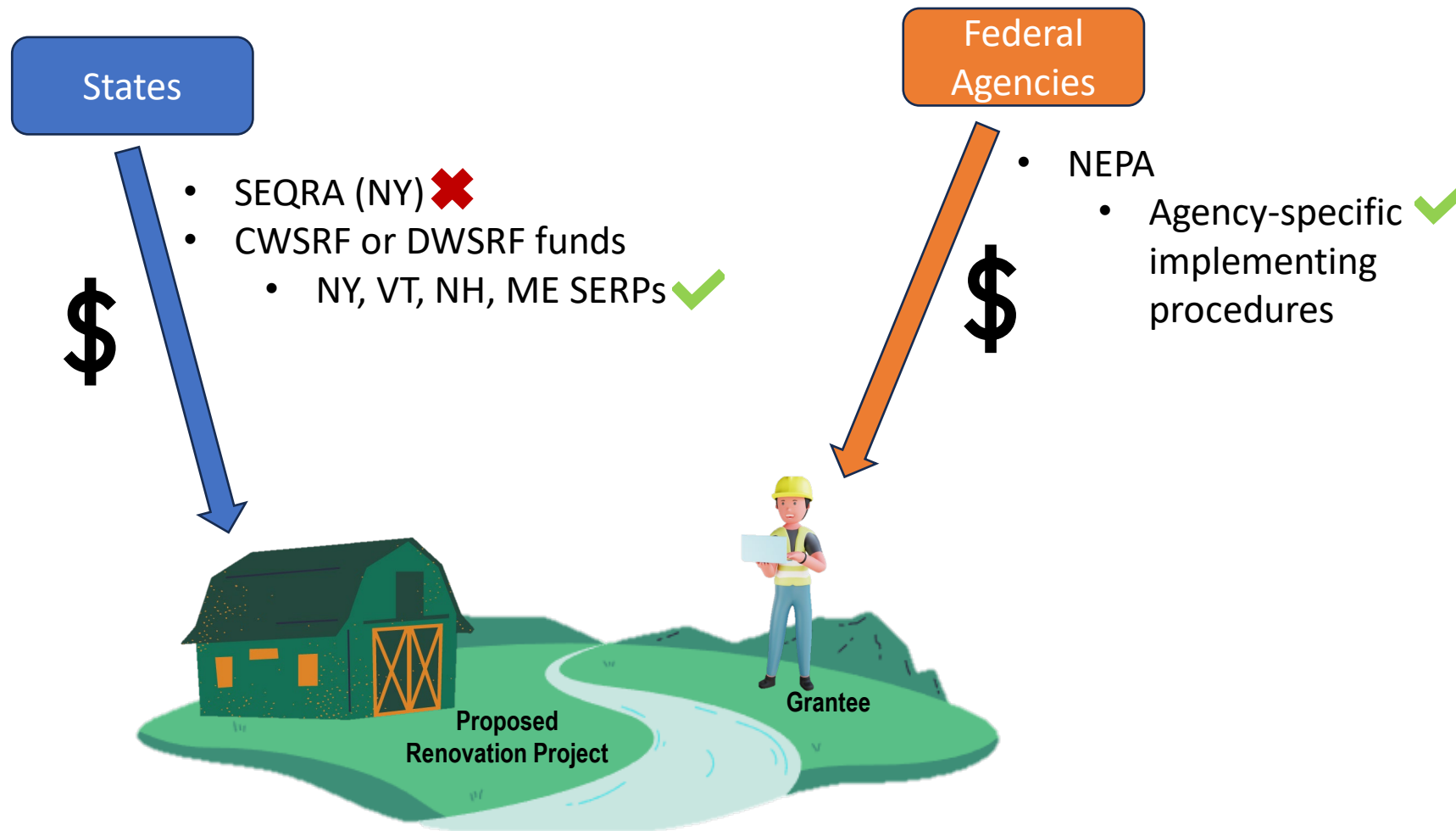
5.) Finding of No Significant Impact (FONSI) – NEPA Hold lifted – and all funds released.





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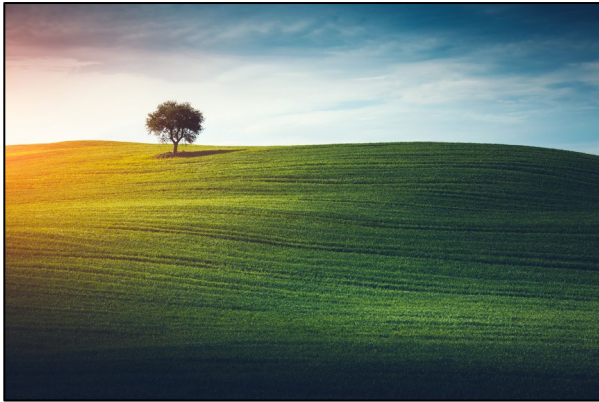
Other Funding Agencies & NEPA-like Requirements





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



Land



Property



Equipment



Services