

NEPA AS A PLANNING PROCESS

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NEPA Process

Primary Functions of the NEPA Process:

- ◆ Slowing the process down and really thinking about the problem (*look before you leap*)
- ◆ Spend time thinking about solutions to the problem. Don't get stuck thinking there is only one solution.
- ◆ Understand the consequences of the action (beneficial and adverse) so there are no unpleasant surprises.
- ◆ Do the least amount of environmental damage possible

NEPA Process

NEPA is not a permitting process:

- ❖ Often seen as one more hurdle to surmount before things can get done.
- ❖ A waste of time and money.
- ❖ Takes the authority out of the federal decision-making process.
- ❖ Often invokes the “Pike Syndrome” – conditioned thinking.



NEPA as a Planning Tool

- ◆ NEPA's goal: influence decision-making processes by:
 - ◆ Ensuring the problem is identified correctly by taking the time to discuss with those affected and with those who can solve it.
 - ◆ Looking at various solutions to problems and approaching solutions from various perspectives.
 - ◆ Understanding the big picture and how solutions will impact the environment we live in and count on for our existence.

NEPA as a Planning Tool

- ◆ NEPA and CEQ's Regulations have long recognized NEPA as a planning process:
 - ◆ *Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking... (NEPA § 102(2)(a))*
 - ◆ *Integrate the requirements of NEPA with other planning and environmental review procedures... (§ 1500.2)*
 - ◆ *Integrating the NEPA process into early planning... (§1501.2)*

What is Planning and Why We Do It

- ◆ Planning is a rational and deliberate process to help make informed decisions on solving problems.
- ◆ It's a step-by-step (although iterative) process for addressing problems and ensuring solutions address the problem – not just addressing symptoms of the problem.
- ◆ Planning is best done using an interdisciplinary team with people who have varying knowledge, skills, and insights – both from professionals and the public affected.

What is Planning and Why We Do It

- ◆ Planning provides flexibility – and an iteration of the steps helps determine the best solutions.
- ◆ It allows identification of potential problems associated with each solution – such as avoiding building in wetlands, or destroying Traditional Cultural Properties.
- ◆ It requires a team effort with creativity and a willingness to listen, learn, and share information with others.



How to Use NEPA to Plan

Step 1: Identifying Problems and Opportunities

Step 2: Inventory and Forecast Conditions

Step 3: Formulate Alternative Plans

Step 4 Evaluate Effects of Alternative Plans

Step 5: Compare Alternative Plans

Step 6: Select Recommended Plan

NEPA as a Planning Process – Step 1

Identify Your Purpose and Need

- ◆ Identify who is planning to do **what**, where, and when.
- ◆ Define the “what” in broad terms so a range of solutions can be examined to fulfill the “what.”
- ◆ Explain the problem and why it is a problem – show current versus desired conditions.
- ◆ Describe the objectives for solving the problem. What will be achieved when the problem is solved.
- ◆ Describe the issues and limitations associated with solving the problem (financial, environmental, time).

NEPA as a Planning Process – Step 1

Problems and Opportunities

- ◆ Problems are existing negative conditions in a community – something is broken or missing.
- ◆ Opportunities are the desirable future conditions as compared to the current conditions.
- ◆ You must be able to finish the sentence, “The problem is...” clearly and concisely to establish a foundation for determining appropriate objectives and constraints.

NEPA as a Planning Process – Step 1

Objectives and Constraints

- ❖ Objectives describe the results you want to achieve by solving the problem and implementing the opportunities identified.
- ❖ Constraints are the things you want to avoid doing – or things you cannot change.
- ❖ Objectives and constraints become the team's mission statement, “This is why we are undertaking this planning process.”
- ❖ They help find solutions and identify additional opportunities.

NEPA as a Planning Process – Step 1

Objectives and Constraints

- ◆ Begin with identifying what initiated the planning process – community members identifying a need for more housing or better schools, community leaders looking for economic opportunities, or a phone call from a federal agency proposing a project.



NEPA as a Planning Process – Step 1

Objectives and Constraints

- ◆ Use them to know what information needs to be gathered.
- ◆ Use them to determine viable solutions to the problem(s) and opportunities
- ◆ Use them to identify the types of effects to evaluate.
- ◆ Use them to compare the various solutions and determine which one offers the most opportunities and meets the most objectives.

NEPA as a Planning Process – Step 2

Analyze the Affected Environment

- ◆ Explain current (baseline) condition for the resources, ecosystems, and communities affected by the problem, or potential solutions to the problem.
- ◆ Explain current trends for the resources by comparing their current condition to a prior baseline condition (are they worsening, improving, stable).
- ◆ Quantify the current conditions so a comparison can be done when looking at impacts.
- ◆ Qualify conditions – explaining how they are affecting the quality of life for people.

NEPA as a Planning Process – Step 2

Inventorying and Forecasting Conditions

- ◆ Complete an inventory of the resources, ecosystems and communities of concern by gathering information on their current condition.
- ◆ Use historic conditions to explain how resources, ecosystems, and communities have changed and what that change has meant (worse, improved, stable) to them.
- ◆ Information gathered will fill in the details of what needs to be done to address the current problem and potential future problems.

NEPA as a Planning Process – Step 1

Inventorying and Forecasting Conditions

- ◆ Gathering information requires scientific and technical evidence to describe problems and opportunities (e.g., sight visits, sampling, consultations, interviews, etc.).
- ◆ Identifying affected resources that require compliance with other laws or that are sensitive and may need mitigation measures (e.g., water resources, air quality, endangered plants or animals, etc.).

NEPA as a Planning Process – Step 2

Inventorying and Forecasting Conditions

- ◆ Inventorying and understanding current conditions helps in understanding potential costs associated with solutions (where are the greatest costs).
- ◆ Forecasting future conditions helps in developing alternative solutions that address both current and future conditions, studying how things will change with or without solving the problems identified in step 1.

NEPA as a Planning Process – Step 2

Inventorying and Forecasting Conditions

- ❖ Collect only the information you need to address the problems and opportunities identified in step 1.
- ❖ Do not waste time collecting information just because it is available if it will not help in identifying solutions or meeting objectives.
- ❖ If resources, ecosystems, or communities will not be either adversely or beneficially affected by actions taken, do not gather information on them.

NEPA as a Planning Process – Step 3

Develop Alternative Solutions to the Problem, and Identify Solutions Considered and Dismissed

- ◆ Explain in detail what actions are being proposed in each alternative to addresses the problem.
- ◆ Explain how each alternative meets the purpose and need – how they solve the problem and meet the objectives.
- ◆ Discuss mitigation measures needed to address sensitive issues and ensure solutions don't result in bigger problems.

NEPA as a Planning Process – Step 3

Step 3: Formulating Alternative Solutions

- ❖ Identify specific ways to meet the objectives, avoid constraints, solve the problem, and realize the opportunities that started the process.
- ❖ Produce solutions meeting all or most of the objectives – alternative solutions are built from management measures.
- ❖ Management measure: a feature or an activity that can be implemented at a specific geographic site to address one or more of the objectives. Can be structures or nonstructural.

NEPA as a Planning Process – Step 3

Formulating Alternative Solutions

- ❖ Alternative solutions consist of different approaches or combined approaches.
- ❖ Identify alternative solutions by recognizing management measures needed to address the problem, mixing and matching measures in different combinations, and as more information becomes available use it to find effective and efficient solutions.

NEPA as a Planning Process – Step 3

Formulating Alternative Solutions

- ❖ *Consult a checklist* - Lists capture past experiences in problem solving.
- ❖ *Consider plans of others outside your agency* - Other interests may provide ideas about solutions. Including their plans may later be an important part of getting agreement on a recommended solution.
- ❖ *Ask an expert* - Use the informed judgment and personal intuition of experienced people.
- ❖ *Use a formal problem solving method* – Some methods, like brainstorming, can be effective methods for identifying management measures and plans.

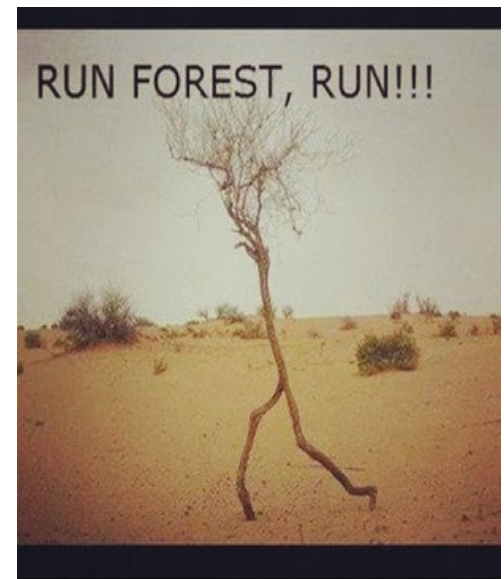
NEPA as a Planning Process – Step 4

Analyze the direct, indirect and cumulative effects of the no action alternative and each action alternative.

- ◆ Analyze and quantify the beneficial and adverse effects each alternative will have on the resources, ecosystems, and communities.
- ◆ Analyze effects from an unquantified perspective.
- ◆ Support all conclusions of effects with scientific evidence (methods).
- ◆ Include an analysis of all mitigation measures.

NEPA as a Planning Process – Step 4

- ◆ Requires employees, partners, or consultants with the appropriate expertise to study the various aspects of the human environment:
 - ◆ Wildlife biologist, fish biologists, botanists, soil biologists, foresters, etc.
 - ◆ Economists
 - ◆ Sociologists or Anthropologists
 - ◆ Archeologists or Paleontologists



NEPA as a Planning Process – Step 4

Evaluating Alternative Solutions

- ❖ The evaluation step identifies the differences between the alternative solutions.
- ❖ The first evaluation determines and compares the beneficial and adverse effects of each alternative solution.
- ❖ The second evaluation quantifies the differences by comparing the no action alternative to the action alternatives – and how the effects differ.

NEPA as a Planning Process – Step 4

Evaluating Alternative Solutions

- ◆ The third evaluation characterizes the effects:
 - ◆ Magnitude – how much or many are affected?
 - ◆ Location – at what site/over what area?
 - ◆ Timing and duration – when do the effects start and how long do they last?
 - ◆ Appraisal - are the effects beneficial or adverse?



NEPA as a Planning Process – Step 4

Evaluating Alternative Solutions

- ◆ The fourth evaluation is a “pass/fail” test for each alternative – having effects so significant they violate some minimum standards or are unacceptable.
- ◆ Some common qualifying criteria:
 - ◆ Completeness – does the alternative include all actions necessary to solve the problem and meet opportunities?
 - ◆ Effectiveness – does the alternative meet all or most objectives and overcome constraints?
 - ◆ Efficiency – does the alternative meet the budget?
 - ◆ Acceptability – is the alternative legal and acceptable to the public?

NEPA as a Planning Process – Step 5

Alternatives including the proposed action

- ◆ *This section is the heart of the environmental impact statement. **Based on the information and analysis presented in the sections on the Affected Environment (§1502.15) and the Environmental Consequences (§1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public.***

(CEQ Regulations § 1502.14)

NEPA as a Planning Process – Step 5

Comparing Alternative Solutions

- ◆ This step helps the decision-makers and public decide which alternative is most effective and efficient.
- ◆ Requires comparing important effects across all alternatives.
- ◆ Some important criteria used for comparisons:
 - ◆ Cost-benefit analysis – sometimes monetary values can be used showing the cost of an alternative and the revenue it will generate or future costs it will eliminate (flood damage reduction, water treatment plants, oil spills).
 - ◆ Trade-off analysis – compares different effects in different measurements. Boils down to people's subjective preferences for one effect over another.

NEPA as a Planning Process – Step 5

Comparing Alternative Plans

	Alternative A	Alternative B	Alternative C
Economic Effects	Increase annual revenue by \$3 million 40 jobs/3 years	Decrease annual revenue by \$5 million 20 jobs/2 years	Increase annual revenue by \$8 million 40 jobs/2 years
Environmental Effects	Remove 500 acres of timber and restore 100 acres of wetlands	Remove no timber and restore 200 acres of wetlands	Remove 1,000 acres of timber and restore no wetlands
Social Effects	Reduce deer habitat – hunting Improve 100 acres duck habitat - hunting	Improve 200 acres duck habitat - hunting	Reduce deer habitat - hunting

NEPA as a Planning Process – Step 6

Selecting an Alternative

- ◆ This step completes the planning process – decision-makers must choose the best alternative based on the criteria most important to them:
 - ◆ Solving the problem
 - ◆ Realizing opportunities
 - ◆ Meeting objectives
 - ◆ Addressing relevant issues
 - ◆ Cost
 - ◆ Logistics
 - ◆ Legal requirements

NEPA as a Planning Process – Step 6

Selecting an Alternatives

- ◆ Sometimes the analysis of alternatives reveals taking no action is the best approach.
- ◆ Sometimes the analysis reveals parts of alternatives should be combined into a new alternative.
- ◆ The decision is made by a designated decision-maker, but must include input from those affected by the decision, those with concerns about the action, and those with expertise to help determine how best to solve the problem and meet objectives.
- ◆ Public involvement in the planning process is crucial.

NEPA as a Planning Process – Step 6

Decision-Making

- ◆ Requires all relevant environmental documents, comments, and responses are reviewed and used by officials in making decisions.
- ◆ The decision-maker must choose an alternative analyzed in the environmental document.
- ◆ Record of Decision – used for Environmental Impact Statements
- ◆ Finding of No Significant Impact – used if an Environmental Assessments determines no resources, ecosystems or communities will be significantly affected by the action.

Public Involvement in the NEPA Process

Public Involvement

- ◆ Request comments from the public, affirmatively soliciting comments from those persons or organizations who may be interested or affected.
- ◆ Agencies shall:
 - ◆ Make diligent efforts to involve the public in preparing and implementing their NEPA procedures.
 - ◆ Provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected.

(CEQ Regulations § 1503.1 and 1506.6)

Public Involvement in the NEPA Process

- ◆ Public involvement in the planning process must be early, open, and honest.
- ◆ If conducted early in the planning process environmental and social factors are publicly considered afforded importance (along with other factors).
- ◆ Public involvement addresses the need to make information available – as well as take public's views into account.

Public Involvement in the NEPA Process

- ◆ Involvement includes
 - ◆ Public meetings
 - ◆ Focus groups
 - ◆ Letters asking for information
 - ◆ Partnerships in science
- ◆ Informing includes
 - ◆ Informational letters
 - ◆ Review of draft document (EIS 45 days/EA 30 days)
 - ◆ Review of final document (EIS 30 days)



Public Involvement in the NEPA Process

- ◆ Participants in the NEPA Process
 - ◆ All Federal Agencies' who:
 - ◆ Proposed an action.
 - ◆ Fund an action
 - ◆ Permitted by the agencies

Public Involvement in the NEPA Process

- ◆ Participants in the NEPA Process can also include:
 - ◆ State government agencies
 - ◆ Local government agencies
 - ◆ ***Indian tribes***
 - ◆ Proponents of an action (e.g., oil and gas companies, ***tribes***, developers, cattle ranchers)
 - ◆ Special interest groups
 - ◆ Concerned citizens
 - ◆ Third party contractors (consultants)

Public Involvement in the NEPA Process

- ◆ Allows all entities involved or concerned about an action the opportunity to understand the decision-making process and allows the public to share their expertise.
- ◆ Allows full disclosure to the public about what a government or private entity intends to do, and what the potential effects will be to the human environment in which concerned citizens live.

Public Involvement in the NEPA Process

- ◆ Allows concerned citizens and public interest groups an opportunity to challenge Federal actions through vigilant public involvement, administrative appeals, and (*hopefully as a last resort*) litigation



Exercise: Starting NEPA and the Planning Process

- ◆ In groups of 4-5 people identify some project or program your tribe or agency is considering.
- ◆ Complete the form you received, which includes:
 - ◆ Identify the problem and explain why it's a problem – current vs. desired condition
 - ◆ Identify the opportunities associated with fixing the problem – how will it improve the current situation.
 - ◆ Explain broadly what type of action(s) would need to be taken to address the problem.
 - ◆ Identify what you hope to achieve by taking an action – quantify if possible.
 - ◆ Identify what issues you expect will need to be addressed in taking an action.

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