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# Introduction

## Course Goals

Upon completion of this class, in addition to having a better understanding of NEPA, the CEQ regulations, and the basics of the BLM NEPA process, you will be able to:

- prepare legally defensible environmental assessments in accordance with NEPA, CEQ, DOI and BLM requirements
- review environmental documents for compliance with applicable laws, regulations and CEQ, DOI and BLM requirements
- apply a variety of streamlining tools when preparing EAs

## Course Outline and Agenda

### Day 1

#### Introduction and Background

- What is NEPA?
- Key CEQ concepts
- DOI and BLM requirements
- Level of documentation (EIS, EA, CX)

### Day 2

#### What is an EA?

- Characteristics of successful EAs
- Case law and legal defensibility
- Best practices in environmental impact assessment

#### Designing for Compliance

- BLM NEPA Handbook 2008
- Steps in the NEPA Process
- Introduction to streamlining tools: the FOCUS™ concept
  - Creating a *flow* of information
  - Establishing *objectives* and *outcomes*
  - Reaching *compliance*, using *collaborative* and *customer-friendly* tools
  - Eliminating *unnecessary*, *unimportant*, and *useless* material
  - Emphasizing *significant* material within the *scope* of analysis
- Process Tools
- Product Tools

## *Day 3*

### **Vital Topics**

- Cumulative Effects
- Public Involvement and Environmental Justice
- Cultural Resources (Archaeology and History)
- Threatened or Endangered Species

### **Case Study Workshop**

- Storyboarding a defensible EA based on BLM case study
- Reviewing EAs for completeness and legal compliance
- Developing job aids for future use

## **Course Notebook and Materials**

The course notebook contains all of the case study materials, checklists and protocols, and reference materials you will need to successfully complete the course. The notebook is designed as a continuing desk reference, to assist you in your NEPA duties in the future.

## **Learning Activity: Goal Setting and Teamwork**

The instructor will hand out cards from a regular deck of 52 playing cards, one to each participant. The object of the activity is to assemble teams of exactly 5 persons that will form a poker hand. The team that has the best poker hand wins. If you are not familiar with the game of poker, or the ranking of the hands of five cards, consult the reference sheet on the next page (you may consult it throughout the game, if you wish).

### *Steps*

1. Become familiar with the ranks of the poker hands (ranking sheet below)
2. Hold your card in front of you, and silently walk around the room to discover who has which cards
3. When the instructor says “GO!” you will have exactly 3 minutes to form yourselves into teams of exactly 5 members
4. The best poker hand wins the game.

### *Debriefing Questions*

The following debriefing questions will be used throughout the course. Now is a good time to get familiar with them, so you can be ready to respond during the most important part of each exercise.

1. What did you notice? Was the activity interesting, boring, helpful, confusing, fun, tedious, “aha” etc.?

2. What, specifically, happened during the activity? How does your experience compare to that of others?
3. What, specifically, did you learn? What principles and/or key learning points were illustrated or simulated during the activity?
4. How does this relate to the “real world” of the BLM?
5. What if the situation had been different somehow (different rules, participants, activities)?
6. Name at least three ways you can apply your new insights, skills, or facts to the “real world” of the BLM?

<b>Ranks of Poker Hands</b>	
Nothing	None of the five cards has a value that matches another card. Also, at least two of the cards are of different suits.
One Pair	Two cards have the same value, and there are three other cards.
Two Pairs	Two cards have the same value, another pair of cards has a different value, and there is one other card that does not match either pair.
Three of a kind	Three cards of the same value and two odd cards.
Straight	Five cards in sequence, not of the same suit.
Flush	Five cards of the same suit, not in sequence.
Full House	Three cards of the same value and two of another.
Four of a Kind	Four cards of the same value and an odd card.
Straight Flush	Five cards of the same suit, in sequence. A-K-Q-J-10 = Royal Flush.

### **Learning Activity: Specific Course Objectives**

Get into groups by color, 6 persons to a table. Each table is supplied with 3 by 5 cards on which you can write your questions about NEPA and the NEPA process, and any specific objectives you want to make sure you achieve during this class. The cards will be collected and their contents posted on flip charts. These cards will also be used during the class summary activity at the conclusion of the class.

# Module One: What is NEPA?

## Learning Activity: The Act

### *Steps*

1. Notice how many of the following questions you can answer right now. You may consult the other members of your group, if you wish.
2. Now check yourself by reading the sections of the Act referred to in the [hint] notes, and correct or fill in any missing information.

### *Questions*

1. When was the Act passed?
2. For what purposes was the Act created? [hint: read Section 2 of the Act]
3. What is the environmental policy of the federal government? [Section 101]
4. What specific responsibilities are mandated for all federal agencies under the Act? [Section 101]
5. What specific actions must all federal agencies take under the Act? [Section 102]



## Five NEPA Mandates

In January, 1997, CEQ published *National Environmental Policy Act: A Study of its Effectiveness after Twenty-five Years*. In this report they listed the following Five NEPA Mandates:

*Supplemental Mandate* – to add to the existing authority of every federal agency the responsibility and power to protect the environment and integrate environmental, social, and economic objectives when carrying out agency functions.

*Affirmative Mandate* – not only to preserve existing environmental quality, but to make decisions that restore and enhance the environment.

*Procedural Mandate* – to use a planning and decision-making process for developing or considering the approval of plans, policies, programs or projects that gives “appropriate consideration to environmental values and amenities,” which occurs mainly through the analysis of environmental impacts and alternatives, including mitigation measures.

*Substantive Mandate* – to recognize that each person should have a healthful environment and has a responsibility to contribute to environmental quality, and to require all federal agencies “to the fullest extent possible” to interpret and administer all laws in ways that implement the policy of serving as trustee of the environment for present and future generations and the other policies set forth in NEPA; in other words, the responsibility to “act” to protect the environment.

*Integration Mandate* – to implement the substantive national environmental policy “to the fullest extent practicable” in a manner that is “consistent with other essential policy considerations;” in other words, to take the environmentally preferred course of action unless it poses a conflict with other essential policies, in which case the decision-maker looks to the substantive policies of NEPA as guidance for integrating varied considerations and making decisions directed toward achieving a *productive harmony between people and nature* [sic].

## Learning Activity: Key NEPA Concepts

### Steps

1. Define as many of the following 30 terms and concepts as you can right now. You should consult the other members of your group.
2. Now check yourself by reading the sections of the Council on Environmental Quality regulations referred to in the [hint] notes, and correct or fill in any missing information.
3. GOAL: MAKE SURE EVERYONE IN YOUR GROUP KNOWS ALL THE TERMS!

### Key Concepts

1. Scoping [hint: 1501.7 and elsewhere]

2. Scope [1508.25]
3. Significance (including context and intensity) [1508.27]
4. Cumulative effects [1508.7]
5. Direct effects [1508.8]
6. Indirect effects [1508.8]
7. Connected actions [1508.25]
8. Alternatives [1502.14]
9. Environmental consequences [1502.16]
10. Affected environment [1502.15]
11. Environmental Impact Statement [1501.4, 1502.3 and 4, and elsewhere]
12. Environmental Assessment [1501.3, 1508.9 and elsewhere]
13. Categorical Exclusion [1508.4 and elsewhere]

14. Interdisciplinary [1502.6]
  
15. Finding of No Significant Impact [1508.13]
  
16. Record of Decision [1505.2]
  
17. Tiering [1502.20, 1508.28]
  
18. Plain language [1502.8]
  
19. Mitigation [1508.20]
  
20. Lead agency [1508.16, 1501.5]
  
21. Cooperating agency [1508.5, 1501.6]
  
22. Human environment [1508.14]
  
23. Jurisdiction by law [1508.15]
  
24. Public involvement [1506.6]
  
25. Special expertise [1508.26]

26. Proposal [1508.23]

27. Major Federal action [1508.18]

28. How many ways do the CEQ regs list for reducing paperwork? [1500.4]

29. How many ways do the CEQ regs list for reducing delay? [1500.5]

30. What other terms and concepts would you like further information about? Put these on 3 by 5 cards and hand them in to the instructor.

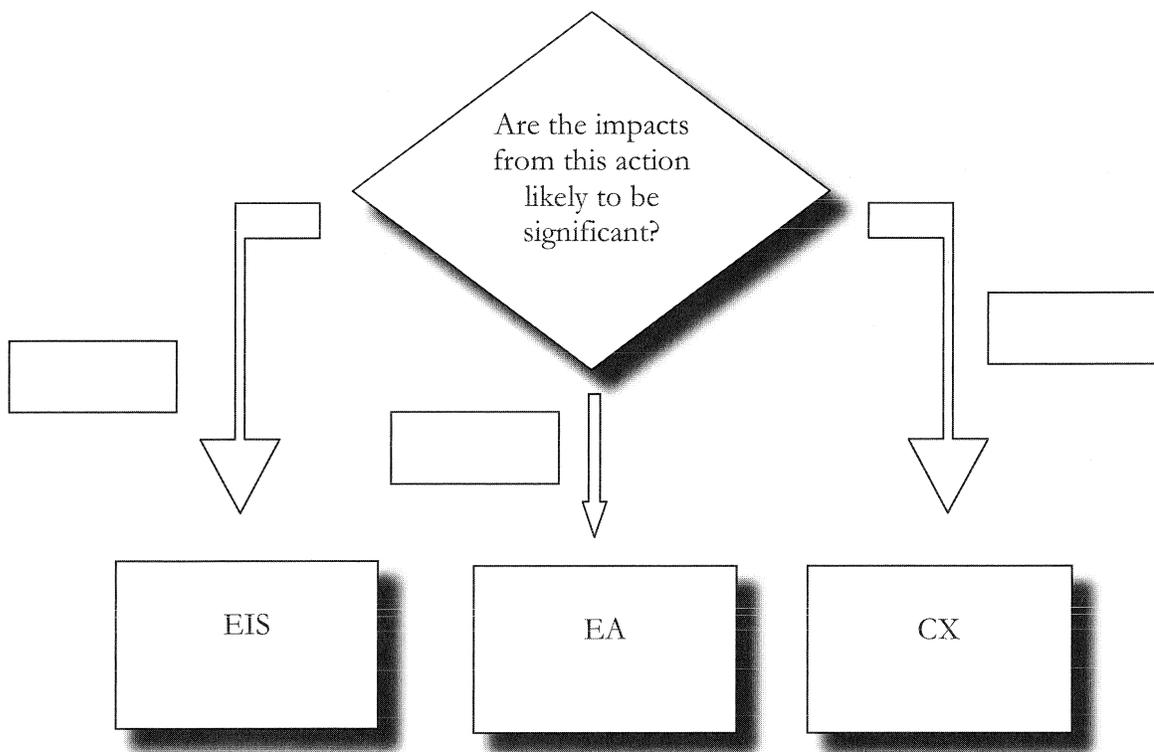
### Learning Activity: NEPA Bingo!

Fill in the blank squares below with terms from the key terminology list above. Be sure to label one square **NEPA!** (that will be your “free” square.) The instructor will read a list of definitions aloud; check off each term as the definition of that term is read. Four in a row vertically, horizontally, or diagonally wins a prize.


## Determining Level of Documentation

For all but the handful of project types that are exempt from NEPA (see below), any decision that BLM makes will be the subject of some kind of NEPA document. We will look at the specific steps in NEPA screening a bit later, but it's important to understand the underlying framework that determines what level – or type – of NEPA document to use in any specific situation.

Beginning with a project description, the level of documentation is directly related to the significance of the project's expected environmental impacts, as follows:



*Learning Activity: Level of Documentation*

[To the tune of “Three Blind Mice”]

1.

EIS, EIS

In the NEPA law, in the NEPA law

Significant impacts are what it’s about, significant impacts are what it’s about

EIS, EIS

2.

Categorical Ex, Categorical Ex

Must be on the list, must be on the list

You don’t need an EA or EIS, you don’t need an EA or EIS

Categorical Ex, Categorical Ex

3.

EA means, EA means

Brief and concise, brief and concise

Choose between FONSI and EIS, choose between FONSI and EIS

EA means, EA means

## *Learning Activity: BLM Categories of Action*

### **Environmental Impact Statements (EISs)**

Review the list of actions that normally require Environmental Impact Statements (BLM H-1790-1, § 7.2). Highlight any that apply to types of activities you do frequently.

### **Categorical Exclusions (CXs)**

#### *Normal CXs*

Review the list of actions that normally require Categorical Exclusions. Be sure to review both the Department of the Interior (516 DM 2, Appendix 1; listed in BLM H-1790-1, Appendix 3) and the Bureau of Land Management (516 DM 11; listed in BLM H-1790-1, Appendix 4) lists. These CXs all are subject to the Departmental list of Extraordinary Circumstances in 516 DM 2, Appendix 2 (listed in BLM H-1790-1, Appendix 5). Highlight any that apply to types of activities you do frequently.

#### *Legislated CXs*

Review the list of CXs legislated in Section 390 of the Energy Policy Act of 2005 (BLM H-1790-1, Appendix 2). These apply only to oil and gas projects that meet certain specific requirements stated in each CX. Currently the Department-wide Extraordinary Circumstances do not apply to these 5 CXs. HR 2057, introduced in Congress on April 26, 2007, seeks to repeal Section 390 of the Act; to date no action has been taken on this bill.

### **Environmental Assessments**

What kinds of BLM actions normally require Environmental Assessments (BLM H-1790-1, § 7.1)?

### **Exempt Actions**

Three kinds of BLM actions are exempt from NEPA compliance, although they may be subject to compliance requirements of other Federal statutes (see Chapter 2 in BLM H-1790-1). These are:

1. Actions specifically exempted by Congress
2. Actions undertaken under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
3. Actions required by statute, where BLM has no discretionary authority

### *Learning Activity: Group Task*

Now review the list of projects below, and determine what level of documentation – if any – would normally be required for each:

1. A miner has applied to patent her claim on BLM land.
2. Modification of existing fences to provide improved wildlife ingress and egress.
3. Approval of a Resource Management Plan.
4. PL 105-167 mandates BLM to exchange certain mineral interests.
5. Fuels management in an Urban-Wildland interface area.
6. Culvert removal and road decommissioning.
7. Placement and use of temporary (not to exceed one month) portable corrals and water troughs, with new road construction for access.
8. Withdrawal revocations, terminations, extensions, or modifications; classification terminations or modifications; or opening actions where the land would be opened only to discretionary land laws and where subsequent discretionary actions (prior to implementation) are in conformance with and are covered by a Resource Management Plan/EIS (or plan amendment and EA or EIS).
9. Grants of rights-of-way for an overhead line with no more than 5 poles or towers on BLM land.
10. Use of a 1-acre area for a temporary archaeological field work camp where the area will be restored to their natural or original condition within the same work season.

### **NEPA Screening**

The process of determining the appropriate level of NEPA documentation for a proposed action is called “NEPA screening.” Review the diagram in Figure 1.1 of the BLM NEPA Handbook (BLM H-1790-1).

Regardless of the level of documentation required, **all** actions approved or authorized by BLM must conform to the existing land use plan, where one exists. Figure 1.2 in BLM H-1790-1 shows the sequence of events in screening for Land Use Plan Conformance.

### **Determination of NEPA Adequacy (DNA)**

Review the Determination of NEPA Adequacy worksheet in Appendix 8 of the BLM NEPA Handbook (BLM H-1790-1). The DNA worksheet is used in one or both of two situations. First, Parts B and C provide a place to document that a proposed action (described in Part A) conforms to the land use plan.

Second, Part D is a worksheet to help determine whether a proposed action is **already covered** by an existing NEPA document (EA or EIS). All 5 questions in Part D must be answered “yes” and suitable explanation and references must be provided in order to avoid having to prepare a new EA or EIS for the action. Under certain circumstances, a new FONSI will be necessary. See Chapter 5 of BLM H-1790-1, specifically § 5.1.4.

## **Learning Activity: Determining Level of Documentation for Case Studies**

Behind Tab 4 are several case study descriptions. Read the Proposed Actions, then determine in your group whether the project should be a CX, and EA, or and EIS. If it is a CX, which one (DOI or BLM) covers the project (including all connected actions)? Are there any actions you could explore using a DNA?

## **Learning Activity: EA Process Briefing**

The instructor will present a multi-media fable illustrating the NEPA process in *EA-Land*, a fabulous BLM District where all the Team Leaders are above average, all the public is supportive, and all the projects move forward without delay. Pay close attention to the specific metaphors used to represent the following key concepts and principles, as we will refer to them throughout the course:

- Pathway through the EA Process
- Scoping
- Connected Actions
- Significance, significant impacts
- Administrative Record
- Issues
- Cooperating Agencies
- Dealing with incomplete information
- Interdisciplinary team process
- Alternatives
- Public involvement
- Cumulative impacts
- Successful completion of the EA Process
- Purpose and Need
- Gathering data with integrity
- Non-significant impacts

## **Learning Activity: Summary of Learning Points**

Using the marking pens on your table, prepare *one* poster on the flip-chart that summarizes the major learning points of this module, as if you were briefing your boss or coworkers on the content of the training. You may (and should!) use words, pictures, and diagrams on your summary. Your group will have 10 minutes to prepare the summary poster, and a maximum of 2 minutes to present it to the class.

## Module Two: Successful EAs

### What is an Environmental Assessment (EA)?

#### *Legal Definition*

“Environmental Assessment”:

(a) Means a concise public document for which a Federal agency is responsible that serves to:

(1) Briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a Finding of No Significant Impact.

(2) Aid an agency’s compliance with the Act when no environmental impact statement is necessary.

(3) Facilitate preparation of a statement when one is necessary.

(b) Shall include brief discussions of the need for the proposal, of alternatives as required by Section 102(2)(E), of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted.

- 40 CFR 1508.9

#### *When must an EA be prepared?*

Review the BLM guidance on EAs in the BLM H-1790-1 Handbook, Chapter 7, along with the discussion of “significance” in § 7.3.

Then review the CEQ regulations, below:

(a) Agencies shall prepare an Environmental Assessment when necessary under the procedures adopted by [the agency]. An assessment is not necessary if the agency has decided to prepare an Environmental Impact Statement.

(b) Agencies may prepare an Environmental Assessment on any action at any time in order to assist agency planning and decisionmaking.

- 40 CFR 1501.3

#### *CEQ Guidance on Size and Contents of EAs*

Since the EA is a concise document, it should not contain long descriptions or detailed data which the agency may have gathered... While the regulations do not contain page limits for EAs, the Council has generally advised agencies to keep the length of EAs to not more than approximately 10 - 15 pages.... To avoid undue length, the EA may incorporate by reference background data to support its concise discussion of the proposal and relevant issues... Agencies should avoid preparing lengthy EAs except in unusual cases, where a proposal is so complex that a concise document cannot meet the goals [of the regulations] and where it is extremely difficult to determine whether the proposal could have significant environmental effects. In most cases, however, a lengthy EA indicates that an EIS is needed.

- 46 Federal Register 18026, March 23, 1981 (“40 Questions,” # 36)

## Learning Activity: EAs vs. EISs

List here 5 ways an EA differs from an EIS (you may consult members of your group, if you wish):

- 1.
- 2.
- 3.
- 4.
- 5.

### *Court Precedent*

Courts usually have given strong support for using EAs rather than EISs for projects whose proposed actions incorporate mitigation from the beginning (the “proposal”) and sometimes when mitigation is added to a proposed action during the NEPA process but before implementation (a “mitigated FONSI”):

An EIS must be prepared only when significant environmental impacts will occur as a result of the proposed action. If, however, the proposal is modified prior to implementation by adding specific mitigation measures which completely compensate for any adverse environmental impacts stemming from the original proposal, the statutory threshold of significant environmental effects is not crossed and an EIS is not required. To require an EIS in such circumstances would trivialize NEPA and would diminish its utility in providing useful environmental analysis for major federal actions that truly affect the environment.

- Cabinet Mountains Wilderness/Scotchman’s Peak Grizzly Bears v. Peterson, 685 F. 2d 678 (DC Circuit 1982)

“...an administrative decision that a proposed action is not a major federal action that will significantly affect the quality of the human environment, so that an EIS need not be filed, will be affirmed where it appears that the decision was made by a proper authority, in good faith, based upon a proper and sufficient record compiled in accordance with established environmental analysis procedures, and is the reasonable result of such record.

- Southwest Resource Council, Inc. et al., 73 IBLA 39, 48 (1983)

This court has established four criteria for reviewing an agency's decision to forego preparation of an EIS. First, the agency must have accurately identified the relevant environmental concern. Second, once the agency has identified the problem it must have taken a "hard look" at the problem in preparing the EA. Third, if a Finding of No Significant Impact is made, the agency must be able to make a convincing case for its finding. Last, if the agency does find an impact of true significance, preparation of an EIS can be avoided only if the agency finds that changes or safeguards in the project sufficiently reduce the impact to a minimum.

- Sierra Club v. US Dept. of Transportation, 753 F. 2d 120 (DC Circuit 1985)

What, specifically, constitutes a "hard look?" The US District Court in Idaho, citing an earlier court case, defined a hard look as "a reasoned analysis containing quantified or detailed information." (Idaho Watersheds Project et al v. Hahn et al., 1999.)

A more detailed definition, dating from the early days of environmental impact assessment under NEPA, is this:

Assumptions must be spelled out, inconsistencies explained, methodologies disclosed, contradictory evidence rebutted, record references solidly grounded, guesswork eliminated and conclusions supported in a manner capable of judicial understanding.

- RI duPont de Nemours & Co. v. Train, 541 F 2d 1018, 1976

### **Learning Activity: How to make sure your EA gets appealed (and loses)**

Think of as many ways as you can to make sure your next EA will get appealed (and lose the appeal). The instructor will list them on a flipchart.

- 1.
- 2.
- 3.
- 4.
- 5.

### *Debrief*

The instructor will facilitate a discussion and post the overall Top 5 ways on a flipchart.

## Learning Activity: Characteristics of Good EAs

Review the following list of characteristics of good EAs, gleaned from the Council on Environmental Quality regulations, the National Association of Environmental Professionals NEPA award criteria, and the International Association for Impact Assessment Principles of Best Practices. Highlight all those that seem the most important to you, personally.

### *The Council on Environmental Quality List ([www.nepa.gov](http://www.nepa.gov))*

- It is analytic, not encyclopedic (40 CFR 1502.2)
- It is prepared using an interdisciplinary approach which insures the integrated use of the natural and social sciences and the environmental design arts (40 CFR 1502.6)
- It is written in plain language, and uses graphics to make it readily understandable by decisionmakers and the public (40 CFR 1502.8)
- It is concise, and no longer than absolutely necessary to comply with NEPA and the CEQ regulations (40 CFR 1502.2)
- It encompasses the range of alternatives to be considered by the decisionmaker (40 CFR 1502.2)
- It focuses on significant environmental issues and alternatives and avoids the accumulation of extraneous background data (40 CFR 1502.1)
- It is concise, clear, and to the point, and supported by evidence that the agency has made the necessary environmental analyses (40 CFR 1502.1)
- It serves as the means for assessing environmental impacts of a proposed action, rather than as justification for decisions already made (40 CFR 1502.2)
- Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in NEPA documents (40 CFR 1502.24)
- If incomplete information relevant to reasonably foreseeable significant adverse effects is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant, the agency shall include the information....(40 CFR 1502.22)
- Agencies shall make diligent efforts to involve the public...(40 CFR 1506.6)
- Agencies shall integrate the NEPA process with other planning at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts (40 CFR 1501.2)
- Issues which are not significant or which have been covered by prior environmental review should be identified and eliminated from detailed study (40 CFR 1501.7)

*The National Association of Environmental Professionals List*  
([www.naep.org](http://www.naep.org))

1. The NEPA process is integrated into the routine agency planning processes.
2. The agency engages in cooperative consultation with other federal, state, local agencies, and Indian tribes.
3. The public participation process is managed effectively such that all interested parties are heard and responded to appropriately.
4. The agency ensures editorial excellence, including readability and brevity.
5. The agency uses an interdisciplinary approach to environmental impact analysis preparation, such that the disciplines of the preparers are commensurate with the nature and scope of significant issues raised during internal or external scoping.
6. The agency ensures scientific integrity of the environmental analysis.
7. Time elapsed between initial project scoping and the issuance of the NEPA document (EA or EIS) is consistent with the degree of complexity of the project; documents are completed in a timely manner, without undue delays.
8. Innovative approaches are sought and applied in the environmental impact analysis for the action.
9. The action decision reflects the purposes and policies of the National Environmental Policy Act.
10. The agency has monitored the environmental effects of the action, and has an ongoing monitoring and mitigation program for its NEPA program. The agency ensures that mitigation detailed in the environmental impact analysis is honored.
11. The cost of the action's environmental impact analysis was commensurate with the complexity of the proposed action and the significant environmental issues raised during scoping. The action manager controlled the cost of the environmental impact analysis using suitable cost control methods.

*The International Association for Impact Assessment Principles of Best Practice (www.iaia.org)*

Environmental Impact Assessment (EIA) should be:

*Purposive* - the process should inform decision making and result in appropriate levels of environmental protection and community well-being.

*Rigorous* - the process should apply “best practicable” science, employing methodologies and techniques appropriate to address the problems being investigated.

*Practical* - the process should result in information and outputs which assist with problem solving and are acceptable to and able to be implemented by proponents.

*Relevant* - the process should provide sufficient, reliable and usable information for development planning and decision making.

*Cost-effective* - the process should achieve the objectives of EIA within the limits of available information, time, resources and methodology.

*Efficient* - the process should impose the minimum cost burdens in terms of time and finance on proponents and participants consistent with meeting accepted requirements and objectives of EIA.

*Focused* - the process should concentrate on significant environmental effects and key issues; i.e., the matters that need to be taken into account in making decisions.

*Adaptive* - the process should be adjusted to the realities, issues and circumstances of the proposals under review without compromising the integrity of the process, and be iterative, incorporating lessons learned throughout the proposal's life cycle.

*Participative* - the process should provide appropriate opportunities to inform and involve the interested and affected publics, and their inputs and concerns should be addressed explicitly in the documentation and decision making.

*Interdisciplinary* - the process should ensure that the appropriate techniques and experts in the relevant bio-physical and socio-economic disciplines are employed, including use of traditional knowledge as relevant.

*Credible* - the process should be carried out with professionalism, rigor, fairness, objectivity, impartiality and balance, and be subject to independent checks and verification.

*Integrated* - the process should address the interrelationships of social, economic and biophysical aspects.

*Transparent* - the process should have clear, easily understood requirements for EIA content; ensure public access to information; identify the factors that are to be taken into account in decision making; and acknowledge limitations and difficulties.

*Systematic* - the process should result in full consideration of all relevant information on the affected environment, of proposed alternatives and their impacts, and of the measures necessary to monitor and investigate residual effects.

## *Debrief*

In your group, compile a list of the Top 5 characteristics of a good EA:

- 1.
- 2.
- 3.
- 4.
- 5.

Now for each characteristic you listed, answer the following question:

**How will you know when you have achieved that?**

- 1.
- 2.
- 3.
- 4.
- 5.

## **Learning Activity: Summary of Learning Points**

Using the flip charts and markers provided, prepare *one* poster that summarizes the major learning points of this module, as if you were briefing your boss or coworkers on the content of the training. You may (and should!) use words, pictures, and diagrams on your summary. Your group will have 10 minutes to prepare the summary poster, and a maximum of 2 minutes to present it to the class.

# Module Three: Designing for Compliance

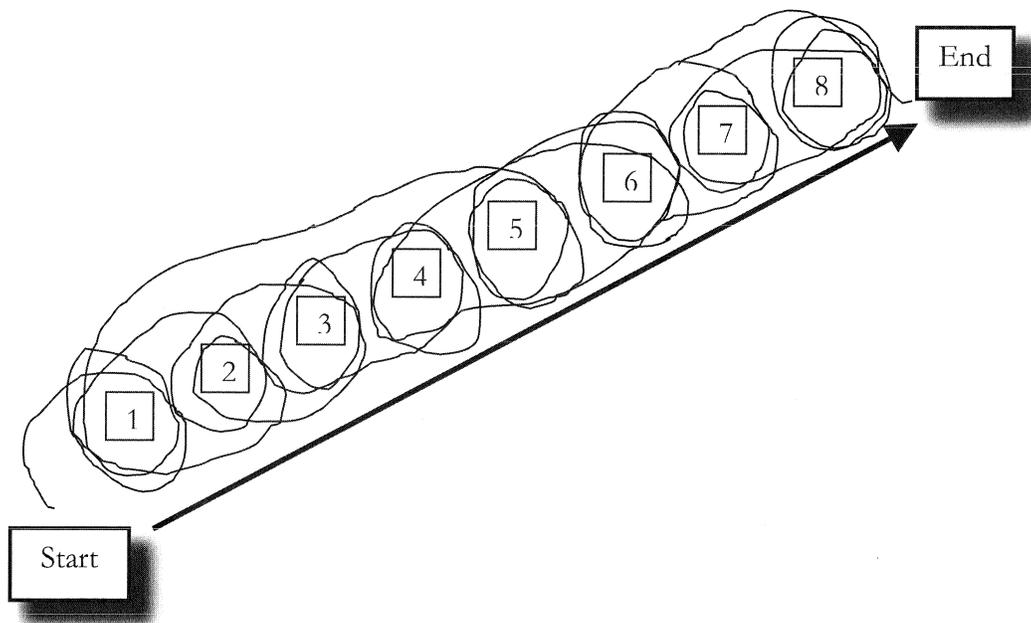
## The NEPA Process

CEQ defines the NEPA process as anything you do to comply with NEPA (40 CFR 1508.21). The NEPA Process for both EAs and EISs consists of an iterative sequence of discrete and overlapping tasks, beginning with the definition of a “proposal” and ending with a decision. Each of these tasks requires time, effort, thought, information, interdisciplinary discussion, documentation, and sometimes collaboration with other agencies and the public.

Chapter 6 of the BLM NEPA Handbook lists and defines the following tasks:

1. Identify purpose and need for the action (§ 6.2)
2. Conduct scoping (§ 6.3)
3. Identify significant issues to be examined in detail (§ 6.4)
4. Clearly define the proposed action (§ 6.5)
5. Develop alternatives to avoid or mitigate impacts (§ 6.6)
6. Describe the environment affected by the action and alternatives (§ 6.7)
7. Describe the Environmental Consequences of the action and alternatives (§ 6.8)
8. Involve the public (§ 6.9)

Notice we use the word “task,” not “step.” The NEPA process is many things but one thing it is NOT is linear. If you are doing NEPA right – that is, effectively and efficiently – you will often be revising the results of “earlier” tasks with data or analyses from “later” tasks, as shown below:



In addition, the tasks may logically fall at a different point in the process depending on whether the proposal is internally or externally generated (see § 6.2.2 in the Handbook).

## Introduction to Streamlining Tools

The concept of “streamlining” applies both to the NEPA *process* – the tasks – and to the *product* – the document – that results from that process.

**If you always do what you’ve always done,  
you will always get what you’ve always gotten!**

We are going to explore what we call the “clean dozen” streamlining tools:

### Process Tools

- Setting objectives
- Team process
- Structured brainstorming
- Preparation protocols
- Annotated outline
- Compliance checklists

### Product Tools

- Document formats
- Graphics
- Plain language
- Sufficiency protocols
- Review procedures
- Administrative Record Protocol

In addition, in Module 5 we will explore the use of *storyboarding* as a mega-tool that comprises all these techniques when developing an EA.

Another way to think of these tools is as components of what we call **FOCUS™**:

- **Flow** of process and product
- **Outcomes**
- **Collaborative** and Customer Friendly
- **Uprooting** Useless Material
- **Streamlining** using Scoping for Significance

## Process Tools

We will begin with **process** tools, *because they are the most important*. If the *process* is broken, no amount of wordsmithing or revision can fix the EA. As you will discover, even with only a bit of experience it is possible to pick up an EA and, by reading little more than the

table of contents, know whether the NEPA process functioned as it should have to produce the document.

### *Setting Objectives*

Setting appropriate objectives, or outcomes, for your EA process is **the most important single task you can accomplish to contribute to streamlining**. You have already used the two basic questions in a complete objective setting protocol, in the last module: What do you want? and How do you know when you have it?

The Outcome Frame Protocol™ provides a systematic approach to setting and achieving realistic objectives, by including analysis of all the factors that may get in your way if you do not plan ahead.

#### **Learning Activity: The Outcome Frame**

Using the Outcome Frame Protocol™ behind Tab 3 in your group, choose one of the “good EA” or “withstanding appeals” criteria from the earlier exercises as your desired outcome (“what do you want”). Now answer the rest of the questions, in sequence.

Now answer the 6 debriefing questions in your group.

#### **Learning Activity: Choose a Case Study**

All the activities to follow will be based on one of the Case Studies behind Tab 4. Take this opportunity with your group to choose one Case to work on.

There are at least two ways to do this: (1) choose something that is familiar to most group members, so you can apply the new tools to a familiar topic; (2) choose something new and different to learn on, that will stretch your abilities and give you practice in a new arena.

Make sure you stay aware of *all* the cases, because there may be connected or cumulative actions or other information that will be helpful to you as you work on your case study.

#### **Learning Activity: Project Outcomes**

Using the Outcome Frame Protocol™ again in your group, analyze your case study by answering all the questions, in sequence. Focus on the *project itself*, this time.

Now answer the 6 debriefing questions in your group.

### *Team Process*

Most agencies have developed the concept of the **Interdisciplinary Team** to handle the NEPA process. But simply putting people together in a group does not make an effective *team*. Sometimes it is not possible even to get a group together physically in a meeting, or adequate staffing does not exist. So one question becomes, how can you ensure that you

meet the requirement for *interdisciplinary* NEPA analysis? And, how do you resolve conflicts and reach environmental or resource decisions in an interdisciplinary context?

### **Purpose and Need for the Action**

One of the first things the team needs to do is to define the Purpose and Need for the action. This will determine what alternatives are viable, and in general drive much of the subsequent analysis. The BLM NEPA Handbook describes Purpose and Need as follows (§ 6.2):

For many types of actions, the “need” for the action can be described as the underlying problem or opportunity to which BLM is responding with the action. The “purpose” can be described as a goal or objective that we are trying to reach.

[...]

We recommend that the purpose and need statement be brief, unambiguous, and as specific as possible. [...] The purpose and need for the action is usually related to achieving goals and objectives of the LUP; reflect this in your purpose and need statement.

You may find it helpful to conduct the review for LUP conformance *before* preparing the purpose and need statement, as there may be specific language in the LUP you can use. It also may make sense to put the LUP screening material into your document before the purpose and need statement, so the reader can follow the logic and easily see the connections between the two documents.

Remember that the Purpose and Need statement for an externally generated action describes the **BLM’s purpose and need**, not that of the applicant.

### **Scoping**

The concept of scoping, as defined in the Council on Environmental Quality regulations at 40 CFR 1501.7, applies to both EAs and EISs, although the extent and complexity of the scoping process will likely be different for the two levels of documentation. The BLM NEPA Handbook defines it this way (§ 6.3):

Scoping is the process by which BLM solicits internal and external input on the issues, impacts, and potential alternatives that will be addressed in an EIS or EA as well as the extent to which those issues and impacts will be analyzed in the NEPA document.

### **Learning Activity: ID Team Kickoff Agenda**

First read all of § 6.2 and 6.3 in the BLM NEPA Handbook. On a flip chart, create an agenda with your group for an Interdisciplinary Team project kickoff meeting for your case study project. This is when you will begin to discuss the purpose and need for the project, the scope of your analysis, and decide how the team will resolve conflicts or reach decisions during the NEPA process..

## *Structured Brainstorming*

Group brainstorming is a traditional and very effective way of stimulating creativity and eliciting ideas and concerns from all members of a group. Its well-known *disadvantages* include: the group needs to be physically together; quieter people seldom feel comfortable participating; the group needs a facilitator; ideas often fail to get organized afterwards.

The brainstorming process can be structured to overcome those disadvantages, as follows:

- Announce that a structured brainstorming session will take place
- Use sticky notes rather than a flip chart and markers
- Designate a place accessible to all group members for posting the ideas
- Set a time limit, such as 2 days or a week for people to post their ideas
- Enable members to move the sticky notes around for better organization
- At the conclusion of the activity, type up the organized results

In this workshop, we are going to apply this tool to the task of identifying issues for analysis.

### **Issues**

Issues drive the NEPA analysis; **accurately identifying issues is the single most important task contributing to both legal defensibility and process streamlining in the whole NEPA process:**

- If you fail to identify a significant issue for analysis, your NEPA analysis (and document) will fail to comply with NEPA requirements and you will likely have to do it over until it does.
- If you fail to narrow the potential issues to those that are truly important (the CEQ regulations use the word “significant”), you will waste time and effort examining topics that are worthless in decision-making and bloat your files and your document with useless information.

The BLM NEPA Handbook defines an issue this way (§ 6.4):

...an “issue” is a point of disagreement, debate, or dispute with a proposed action based on some anticipated environmental effect. An issue is more than just a position statement, such as disagreement with grazing on public lands. An issue:

- has a cause and effect relationship with the proposed action or alternatives;
- is within the scope of the analysis;

- has not be[en] decided by law, regulation, or previous decision; and
- is amenable to scientific analysis rather than conjecture.

One way to begin to identify potential issues is to consult the list of “Supplemental Authorities” – laws and Executive Orders that BLM must carry out or comply with in addition to NEPA – contained in Appendix 1 of the BLM NEPA Handbook. From time to time other requirements may be added to this list, through new laws, regulations, Presidential Executive Orders and Secretarial Orders. And, DOI and BLM issue periodic Environmental Statement Memoranda or Instruction Memoranda and other internal guidance that may add or change specific requirements related to NEPA analysis and documentation. **Your NEPA Coordinator should have copies of all these materials, and can help you figure out which ones apply to your project.**

You can choose to use a tool like the *Identifying Significant Environmental Issues Protocol* (behind Tab 3 in this notebook) to help with the sorting process.

Not all potential issues discovered during scoping need to be analyzed during the NEPA process or described in the NEPA document. Specifically, **“There is no need to make negative declarations regarding resources described in supplemental authorities that are not relevant to your proposal at hand” (BLM H-1790-1, § 6.4.1).**

The Handbook continues (§ 6.4.1),

Analyze issues raised through scoping if:

- Analysis of the issue is necessary to make a reasoned choice between alternatives. That is, does it relate to how the proposed action or alternatives respond to the purpose and need?
- The issue is significant (an issue associated with a significant direct, indirect, or cumulative impact, or where analysis is necessary to determine the significance of impacts).

### **Learning Activity: Identifying Issues for Analysis**

Read all of § 6.4 in the BLM NEPA Handbook. Using Structured Brainstorming with sticky notes, brainstorm the significant issues that will need to be covered in an EA for your case study and identify the types of expertise you will need to deal with these issues. Arrange the ideas in some logical framework, such as “significant” and “non-significant,” and perhaps “not sure yet.” Save this work for use later on during the class.

Now answer the 6 debriefing questions in your group.

### **Description of Proposed Action**

Every project needs a specific description of what is actually being proposed. This is the basis of determining what parts of the environment may be affected, analyzing the actual

effects (impacts) on those parts of the environment, and developing suitable alternatives to avoid, lessen or mitigate the anticipated environmental consequences of the action.

For BLM, a “proposed action” is a **“proposal to authorize, recommend, or implement an action to address a clear purpose and need”** (BLM H-1790-1, §6.5).

Defining a proposed action may be iterative and may vary depending on the nature of the project itself (§ 6.5):

For example, the level of detail available at the beginning of a project may be very limited, but details will be better defined after scoping. The details and description of a proposed action in a programmatic analysis will be different than one in the analysis of a site-specific implementation action. The level of detail used in describing the proposed action will influence the specificity of the analysis and the assumptions made in analyzing the environmental consequences.

Detailed descriptions of proposed actions usually have five elements (§ 6.5.1):

1. Who – the BLM (even for externally-generated proposals)
2. What – specific activities being proposed (including connected, cumulative, and similar actions)
3. How – project design features, including the measures to reduce environmental impacts that are built in to the proposal (such as SOPs, stipulations, BMPs, or standard Conditions of Approval)
4. When – duration of project phases (planning, construction, operation, decommissioning, monitoring)
5. Where – specific location(s) of project activities (with maps, photos, etc.)

### **Learning Activity: Describing the Proposed Action**

In your group, read § 6.5 (p.42-49) in the BLM NEPA Handbook. Using Structured Brainstorming with sticky notes, compile a complete description – who, what, how, when, and where – of the proposed action for your case study project and display it on a flip chart. Remember to include any standard stipulations, BMPs, SOPs, or other design features intended to avoid or reduce expected environmental impacts.

### ***Preparation Protocols***

What is your thinking process for analyzing environmental effects of an upcoming project? How do you know what questions to ask? How can you streamline your actions and make them consistent from project to project, while still making sure nothing gets left out?

A *protocol* is a convenient way of systematizing a set of steps or actions (such as a thinking or data analysis process), without specifying the content of those steps or actions. It helps you ask the appropriate questions, regardless of the specific answers. You have already used two protocols earlier, the Outcome Frame and the Significant Issues Protocol. You

will have the opportunity to apply several more NEPA-related protocols to your case study in this class.

### **Learning Activity: Developing Alternatives**

Section 6.6 in the BLM NEPA Handbook describes how to develop alternatives for proposed actions, so the analysts and the decision maker can be sure all reasonable possibilities were considered during the NEPA process. This task includes identifying (for most projects) a No Action alternative, and even exploring alternatives outside the BLM's jurisdiction if they would meet the purpose and need for the action.

At the EA level, alternatives often arise from mitigation measures not built in to the project, but discovered later during environmental analysis. Alternatives also may relate to scale, timing, technology, location, or actions by others.

Read § 6.6 (p. 49 – 52), then take a look at the Alternatives Protocol behind Tab 3 in your notebook. Using Structured Brainstorming, develop the No Action and at least one more Action alternative for your case study project. Do you have all the information at this time to design a fully-formed action alternative? What additional data (if any) would you like to have? Make a note of this for future reference.

### **Learning Activity: Using Guidance Protocols**

Take a moment now and review these four examples all of which are based on CEQ guidance, then answer the questions below:

- Biodiversity Protocol
- Pollution Prevention Protocol
- Environmental Justice Protocol
- Cumulative Effects Protocol

1. Which of these will be most helpful in preparing the EA for your case study project and why?
2. List three ways using a protocol can simplify the EA preparation process:

### *Annotated Outline*

How long will your EA be? Who is responsible for which sections? What existing data will be used, and what additional data do you need? What are the deadlines all participants must meet? How can you display all this information for all team members?

An annotated outline can help solve these problems before they begin. By assigning responsibility, specifying page and time limits, identifying existing and needed information, this tool can serve as a valuable planning tool for the entire process.

#### **Learning Activity: Affected Environment**

The Affected Environment section of an EA describes only those aspects of the environment that will be affected or created by the action, as defined by the environmental issues you identified earlier.

#### **Nothing else belongs in this section!**

This is *not* the place to talk about every bird that ever flew over your study area, or the geologic history of your state, or the last 10,000 years of human history. This *is* the place to talk about the threatened or endangered species whose habitat will be altered by your project, and the significant archaeological site that may be damaged by the project, and the small town whose economy may be affected by the project.

Section 6.7 in the BLM NEPA Handbook covers Affected Environment, and how to find and use relevant data. It also introduces the CEQ procedure for incomplete information; we will deal with this later, under Sufficiency.

Using the Annotated Outline format (behind Tab 3 in the notebook), outline the topics you will discuss in this section of your EA for your case study project. Identify data that you will need, and how likely they are to be available.

#### **Learning Activity: Environmental Effects**

The Environmental Effects chapter of an Environmental Assessment describes the expected consequences of the action and each alternative considered in detail, including No Action. Section 6.8 in the BLM NEPA Handbook describes the requirements for this section in more detail. We will discuss cumulative effects in more detail a bit later.

Effects include direct, indirect, and cumulative effects. Numerous court decisions since 1970 have specified that the BLM must take a “hard look” at the consequences of its actions. This means you must show evidence of a *reasoned analysis, containing quantitative or detailed qualitative information*. You will need to discuss both the methodology and the assumptions behind your analysis in the Environmental Effects section of the EA. Consider also any mitigation and residual effects you may need to describe in this section (see § 6.8.4 in the BLM NEPA Handbook).

Using the Annotated Outline format (behind Tab 3 in the notebook), outline the topics you will discuss in this section of your EA for your case study project. Identify data that you will need, and how likely they are to be available.

### *Compliance Checklists*

A *compliance checklist* is based on legal requirements, and lets you know whether you have included everything that is necessary. It has obvious uses during the EA review process. Had you thought to use it during the design and preparation process? It can be an extremely powerful tool, especially in combination with the other tools described here, such as structured brainstorming and the annotated outline.

#### **Learning Activity: Compliance Checklist**

Using one of the EA Compliance Checklists in this notebook, make sure your annotated outline includes placeholders for all the required EA components.

### **Product Tools**

Once the NEPA process is handled smoothly and appropriately, it is time to turn to the result of that process, the EA itself. This is the time to get out the *product* tools.

### *Document Formats*

You should know the BLM document formats and content requirements *cold*. The BLM's general content requirements for EAs are found in Appendix 9 of the BLM NEPA Handbook. Many BLM state and field offices have developed specific formats, some of them on the computer, to streamline the preparation of EAs for their areas and/or for the types of projects they deal with most often. You should become familiar with all of the specific requirements that apply to you and your projects.

#### **Learning Activity 1: Required Formats**

Review Appendix 9 of the BLM NEPA Handbook now, paying particular attention to the EA chapter. How can you make sure you adhere to these (or any other BLM) requirements? [hint: what tools have you already reviewed that can help you in this?]

#### **Learning Activity 2: Optional Formats**

EA formats are very flexible. Review EA Preparation Protocol behind Tab 3, along with the alternate formats provided in the BLM NEPA handbook and the Web Guide, and notice any features you may want to incorporate into your next EA.

### *Graphics*

A picture is worth 1000 words. How many words in your EA can you replace with an appropriate graphic? Remember that graphics include tables and charts, maps, diagrams, photographs, and icons.

### Learning Activity: Graphics

The instructor will hand out documents containing sample graphics. In your group, find at least one example of each of the following 9 graphical tools, and determine where and for what purpose you could use each of these graphic types effectively in an Environmental Assessment:

Graphic Tool	Uses in an EA
Map	
Drawing / schematic	
Photograph	
Table	
Flow diagram	
Schedule diagram	
Bar or pie chart	
Line or scatter graph	
Icon	

## *Plain Language*

The NEPA regulatory requirement for writing in plain language is itself written in very plain language:

Environmental impact statements shall be written in plain language and may use appropriate graphics so that decisionmakers and the public can readily understand them. Agencies should employ writers of clear prose or editors to write, review, or edit statements, which will be based upon the analysis and supporting data from the natural and social sciences and the environmental design arts.

- 40 CFR 1502.8

On June 10, 1998, President Clinton signed a Presidential Memorandum, directing all agencies to prepare their documents (including regulations) in plain language. Elements of plain language include the requirement to use:

- Common, everyday words, except for necessary technical terms;
- “you” and other pronouns;
- the active voice; and
- short sentences.

Further guidance, including a detailed manual with good and bad examples, can be found at [www.plainlanguage.gov](http://www.plainlanguage.gov).

### **Learning Activity: Jargon**

Many word processors (including MS Word) include ways of checking the readability of text. The problem is, these tools don't tell you how to *fix* the problem.

We believe that writing in plain language often is a process of *translating* your technical jargon for those whose technical jargon is different. Translate into “plain language” the sample sentences below (all are extracted from real EAs for a variety of project types):

1. With the removal of water, the particles in the coal shrink, causing cleavages, and ash and minerals are liberated.
  
2. The creek discharges into a shallow aquifer, located 10 to 15 feet below the streambed surface, during and after heavy rainfall. The permeable lenses of sand and gravel of the shallow alluvial aquifer have transmissivities exceeding 100,000 gallons per day per foot (gpd/ft).

3. If funds are available through KV, additional snags could be recruited by girdling live trees having greater than 50% unsound material.
  
4. Well construction and testing operations entail...perforating the casing within the Almond Formation and prefrac breakdown to remove near wellbore skin damage.
  
5. Flow attenuation can be achieved through use of open vegetated swales, buffer zones, sediment traps, and natural vegetation.
  
6. [The herbicide Garlon] readily translocates throughout the plant accumulating in meristematic tissues with the greatest accumulation at the root collar.
  
7. The proposed drill holes would be spudded in Quaternary-age alluvium that mantles the Blue Gate Shale member of the Mancos Shale Formation. This member is a slope-forming, thin-to-medium-bedded shale with a subordinate sandstone.
  
8. Long term effects, if Lake Williams and other wetlands within the area remain dry, include loss of piping plover nesting fidelity.

9. No structures would be constructed in the channel. There would be no [maintenance] berms of any kind along the entire length of channel construction. Existing oxbows severed by construction would be left as is.
  
10. This archaeological site has added significance because it includes a Pioneer Period component, which represents a poorly understood part of the early Hohokam tradition.
  
11. Groundwater under the [project site] is present under both unconfined and confined conditions. The unconfined aquifer is contained within the glaciofluvial sands and gravel and the Ringold Formation.
  
12. Pileated woodpecker (*Dryocopus pileatus*) is an ecological indicator of mature forest types and is a primary excavator of cavities important to secondary, obligate cavity nesters.
  
13. Where possible, pig launchers and pig catchers, which are used to periodically place and retrieve a slug (or pig) in the pipeline to remove free liquids that accumulate as a result of the transport of unprocessed gas, would be placed in the pipeline ROW adjacent to roads.
  
14. The Miscellaneous soil type may be formed by a variety of processes, including geological forces and accelerated erosion caused by natural or human influences or by tidal influences on low-lying areas.

15. Adult hatchery fish that may stray to natural spawning areas, rather than return to the hatchery, may also be competing for spawning gravel, but as spawning populations are at depressed levels, the degree of this impact should be small as there is thought to be a relationship between high spawner density and greater egg loss in the natural environment.

### **Learning Activity: Vague Statements**

Highlight the vague terms in the sentences below. Figure out what you think the author was trying to say, and discuss how you would revise these statements to make the author's conclusions more defensible:

1. Potential impacts to deer and elk would be minimal due to moderate summer use and the short duration of the project.
2. The proposed action would result in some loss of hiding and thermal cover for the short term.
3. Sage grouse are rarely found occupying forested sites. As most of [the project] areas contain mostly lodgepole pine, little impact is expected.
4. Smoke from prescribed burning may temporarily reduce air quality levels, but this minor impact is expected to be within the limits set by the NAAQS.
5. Overall, implementation of Alternative 3 would indirectly and beneficially affect habitat quality, resulting in increases of local populations and population trends of the mature-forest MIS.

## *Hierarchy of Information Quality*

What is the best quality information you can get? NEPA analyses are supposed to exhibit scientific integrity, and be explicit about the nature of their data sources (40 CFR 1502.24).

Freeman, March and Spensley in their *NEPA Compliance Manual, 2<sup>nd</sup> Edition* (Government Institutes Press, 1994: 76-77) list the following hierarchy of evidence for support of non-significance in an EA:

1. Certifiable documentation based on compliance with various environmental laws and regulations (Clean Air Act, Clean Water Act, RCRA, etc.)
2. Statements from Federal officials on potential effects on sensitive resources (wetlands, floodplains, rare and endangered species, etc.)
3. Results of field investigation programs involving surveys, samples, and laboratory analysis
4. Results of models and computations of impacts (within acceptable limits of error)
5. Representations by parties such as certified expert, project sponsor, NEPA document author
6. Reference to literature including other impact studies, equipment specifications, and scientific studies of environmental cause and effect relationships.

They continue,

“For those few impacts meriting more detailed study per the scoping process the evidentiary standard needs to be specified in more detail. These must be specifically relevant to project features or disturbances and to relevant environmental sensitivities. For example, if field sampling is involved, the method, density, frequency, and precision requirements should be specified. If models or computations are to be used, the analytic methods and acceptable errors of estimate need to be specified. In some cases there may also be a need for certified quality assurance programs.”

### **Learning Activity: Identifying Relevant Information**

Review the 6 kinds of information listed above. Which kinds do you use most in an EA, and why? Which other kinds could you use, and how would you go about getting the information you need? What characteristics of your data do you usually specify in your EAs? What additional characteristics could you specify, and where would you put this information?

## *Sufficiency Protocol*

How do you know when you have enough information? This is really three questions:

1. How do you make sure you have not omitted anything vital?
2. How do you make sure you have not included anything excessive?
3. What do you do if you don't have or cannot obtain information deemed vital to the analysis and decision?

### **Learning Activity 1: Is anything omitted?**

One approach to answering Question 1 has been developed by Charles Eccleston, author of numerous textbooks on NEPA. In this protocol, all four questions must be answered “no” to ensure a topic is adequately covered. Any “yes” answer may indicate that further discussion and/or analysis is needed. The full article may be found in *Federal Facilities Environmental Journal*, Summer 1995, pp. 37-50.

Review Eccleston's list and highlight any criteria that seem especially helpful to you. In your group, determine how you could apply them to your case study project.

### **Tests for Determining the Adequacy of the Discussion and Analysis**

From Eccleston, 1995: 43

Would a more detailed [discussion or] analysis:

- *contribute substantially to the understanding of environmental impacts?* A more detailed analysis is justified if it provides information that could substantially improve the agency's understanding of the impacts. (40 CFR 1500.1(c), 1502.1)
- *substantially change the agency's decision?* Specifically, would the discussion allow the agency/public to “concentrate on the issues that are truly significant to the action in question” or would it simply amount to an exercise in “amassing needless detail”? A more detailed analysis is justified if, based on environmental factors, it could substantially affect the agency's decision. (40 CFR 1500.1 (c), 1500.4 (c), (f) and (l))
- *contribute substantially to the public's understanding or acceptance/ rejection of the proposed action alternatives?* NEPA is a public process; a more detailed analysis is warranted if it could substantially affect the public's assessment (positively or negatively) of the action or could substantially affect the public's ability to provide comments or input into the decision-making process. (40 CFR 1500.2(b) and (d), 1500.4(f), 1501.4(b), 1502.1, 1500.1(b))
- *result in new measures that could substantially reduce the impacts associated with the project?* A more detailed analysis is justified if it may result in identifying mitigation measures that could substantially reduce adverse impacts. (40 CFR 1500.2(f), 1502.1, 1502.14(f), 1500.1(c).



### Learning Activity 3: Is all the information available?

Answering Question 3 is often very challenging. Not all the data you would like to have are available when and how you need them. Sometimes field surveys have not yet been completed; sometimes the time series data on past trends are simply non-existent; sometimes the project absolutely *must* go forward before all the data you would like to have can be obtained.

Recall the CEQ's two-part Incomplete Information procedure as outlined in 40 CFR 1502.22:

When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment in an environmental impact statement and there is incomplete or unavailable information, the agency shall always make clear that such information is lacking.

(a) If the incomplete information relevant to reasonably foreseeable significant adverse impacts is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant, the agency shall include the information in the environmental impact statement.

(b) If the information relevant to reasonably foreseeable significant adverse impacts cannot be obtained because the overall costs of obtaining it are exorbitant or the means to obtain it are not known, the agency shall include within the environmental impact statement:

- (1) A statement that such information is incomplete or unavailable;
- (2) a statement of the relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant adverse effects on the human environment;
- (3) a summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment, and
- (4) the agency's evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community.

For the purposes of this section, "reasonably foreseeable" includes impacts which have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule of reason.

The Council on Environmental Quality, in a memo dated June 24, 2005, defined "overall costs" as follows:

The term "overall costs" encompasses financial costs and other costs such as costs in terms of time (delay), program and personnel commitments. The requirement to determine if the "overall costs" of obtaining information is exorbitant should not be interpreted as a requirement to weigh the cost of obtaining the information against the severity of the effects, or to perform a cost-benefit analysis. Rather, the agency must assess overall costs in light of agency environmental program needs.

The Department of the Interior Departmental Manual Part 516, Chapter 4, Section 4.14, points out that "The references to overall costs in this section are not limited to market costs, but include other costs to society such as social costs due to delay."

In your group, apply this method to the following situations:

1. Suburban development is affecting the habitat of a species recently added to the threatened or endangered species list. You are proposing a fuels management project for the wildland-urban interface and need to know the former extent of this habitat so you can complete your Section 7 consultation under the Endangered Species Act. No previous field surveys for this habitat have been done, either on your land or on adjacent private lands.
  
2. Because of a major fire, extensive timber salvage is proposed for an area upslope from a major recreational fishing stream. Although the area has been popular with fishers for many years, few actual fish population surveys have occurred there, and no water quality sampling has taken place recently. Questions have been raised about the cumulative effect of your salvage timber harvests on the recreational values of the watershed.
  
3. A proponent is proposing to build a road to her active mine site that will traverse a region of numerous prehistoric archaeological sites. Only about 3 percent of the area has been surveyed, but over 350 sites have been identified, about 50 percent of which are eligible for the National Register of Historic Places. Questions have been raised about the indirect impacts of allowing increased vehicle access to this area on the continued preservation of the archaeological sites. The road is scheduled for construction this summer.

4. A grazing permittee proposes to construct some improvements including fences, water tanks, and corrals adjacent to an existing road. It is winter now, and the land is snow-covered. He wants the improvements finished by the first rotation this spring. The staff biologist believes the area might be part of the extended range of a small elk herd, but no previous field surveys have occurred here.
  
5. The US Department of Energy is requesting a 35-mile-long easement to construct a high-power electric transmission line across BLM land. A question has been raised by the public about the safety and health effects of such a line, particularly the subtle effects of electro-magnetic force (EMF) on growth patterns in children within 10 miles of the line. Previous studies conducted by DOE have been inconclusive. A new study will likely cost around \$ 2 million and take 5 years to complete.

Now discuss in your group how you would apply this tool to your case study project.

### *Review Procedures*

There are three types of reviews that must be conducted for an Environmental Assessment:

1. Big picture: are all the parts there, is it complete, does it make sense?
  - a. CEQ regulations
  - b. DOI- and BLM-specific requirements
  - c. General format requirements
  
2. Medium scale picture: do the parts function correctly, is the right information in each part, does each section flow and contribute appropriately?
  - a. Specific requirements for each section of the document
  - b. Document templates and guidelines

3. Detail picture: is everything spelled correctly, do the numbers match up, are the captions correct, etc.?
  - a. Proofreading
  - b. Spell-checking
  - c. Compliance checklists

It is important to recognize these three types, and to understand that they should be done *in sequence* beginning with # 1 and progressing to #3. It makes no sense to correct a typo in a section that will be deleted, or to “wordsmith” a section that will have to be rewritten anyway when it is moved to its proper location in the document.

**Learning Activity: Review an Environmental Assessment**

Review the EA provided using the 3-stage review process outlined above. Now answer the 6 debriefing questions in your group. Here is a place you can take notes:

## Creating an Administrative Record

One of the most crucial NEPA tasks is creating an administrative record. This is the package that documents your thinking and analysis throughout the NEPA process. This is the package that will go to court for you if that is necessary. Compiling and maintaining the administrative record should be an integral part of the entire process, not an afterthought created in response to threat of an appeal or litigation.

If you do not compile and provide a complete administrative record to the court, it may find that you have “blocked effective judicial review,” which is NOT a good thing!

BLM Information Bulletin No. 2003-074 states the following about the importance of maintaining an accurate and complete administrative record:

BLM has an obligation to maintain a record of materials to support its decisions and to make certain records available to the public in accordance with the Freedom of Information Act (FOIA). BLM is often asked to provide records as part of court proceedings or in response to protest and FOIA requests. In addition, an organized and consistent approach to maintaining our records may reduce the creation of duplicative materials and minimize time locating information needed to prepare the plan or respond to requests for information. By providing a filing structure that matches the workflow of the planning process, the file plan will help to ensure that required documents are created and easy to find when a Court requests an administrative record.

Remember that ALL materials that were before the agency and considered during decision-making must be included, as follows:

- Materials that supported the decision
- Materials that do not support the decision
- Public involvement materials
- Materials on paper, computer, tape, disc, microfiche, etc.
- Notes, emails, maps, printouts of Internet sources, data files
- All materials prepared, reviewed or received and used by or available to the decision-maker whether or not the decision-maker actually used or knew about them
- Articles, books, manuals, policy guidelines, meeting minutes, telephone records, transcripts
- All findings and conclusions and the basis for them, including the nature of the reasoning behind them

Working drafts and purely personal notes need not be included.

Creating a complete administrative record is vital because IT goes to court, YOU don't. As the court said in *Idaho Watersheds Project v. Hahn* (1999), “The Court needs access to the information actually before the agency, not the recollections of a participant.”

Remember,

**If it is not written down, it never happened.**

**When in doubt, print it out.**

**Print it out anyway, and put it in the file!**

**Learning Activity: Administrative Record**

Review the DocIt™ Protocol behind Tab 3 in the notebook, which is a generic format for compiling an administrative record. In your group, identify any additional records, data, or information that is required by BLM or that you would like to include in the administrative record for your case study project.

## Application of Streamlining Tools: ETCI's FOCUS™ Concept

Over and over, the same criteria come up for what makes a “good” EA:

**Both the analysis process and the document itself stay focused on what is important.**

How do you do that? By:

- Writing in a way that flows easily
- Making sure the process flows smoothly
- Developing clear and consensual objectives and outcomes
- Making sure the process and product are customer friendly
- Developing collaborative processes, internally and with the public
- Making sure everything complies with the regs and other guidance
- Eliminating useless and unimportant material
- Using scoping effectively
- Carefully assessing the significance of impacts

Put another way, that is easier to remember:

**F** = Writing and a process that *Flows*  
**O** = Having clear *Objectives and Outcomes*  
**C** = Using *Collaborative and Customer friendly* processes that *Comply*  
**U** = Eliminating *Useless and Unnecessary* material  
**S** = Using *Scoping* effectively to focus on *Significant* issues and impacts

### Learning Activity: Summary of Learning Points

Using the flip chart and markers provided, prepare *one* poster that summarizes the major learning points of this module, as if you were briefing your boss or coworkers on the content of the training. You may (and should!) use words, pictures, and diagrams on your summary. Your group will have 10 minutes to prepare the summary poster, and a maximum of 2 minutes to present it to the class.

## Module Four: Vital Topics

These issues and processes are vital to the NEPA Process, but often need clarification and explanation for NEPA practitioners who are not subject matter experts in these areas. We have chosen to highlight four major topics here, all of which are required by NEPA and the CEQ regulations:

1. Cumulative Effects
2. Public involvement (including Environmental Justice)
3. Cultural resources (National Historic Preservation Act compliance)
4. Threatened or endangered species (Endangered Species Act compliance)

Much additional detail and guidance can be found using the following Internet resources:

- <http://www.nepa.gov> - the CEQ NEPA net home page, where you can download CEQ guidance documents and other NEPA-related material
- <http://www.iap2.org> - the home page of the International Association for Public Participation
- <http://www.epa.gov/enviro/ej> - EPA's web resources for Environmental Justice compliance
- <http://www.achp.gov> - the home page of the Advisory Council on Historic Preservation, whose regulations define compliance with Section 106 of the National Historic Preservation Act
- <http://endangered.fws.gov> - the home page of the Endangered Species Act compliance program of the US Fish and Wildlife Service
- <http://www.noaa.gov/fisheries.html> - the home page of the Marine Mammal protection program of NOAA Fisheries
- <http://www.envirotrain.com> - ETCI's web site, where you can access Podcasts, *The Environmental Blog*, free conference calls, downloadable checklists and protocols, white papers, and links to books, journals, and other NEPA related web sites and materials

## *Cumulative Effects*

Recall the definition of cumulative effects:

“Cumulative impact” is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.  
 -- 40 CFR 1508.7

There are only two kinds of effects: direct and indirect. *Cumulative* effects are direct and indirect effects of *your* project considered together with those of *all the other projects that affect the same resources*. Guidance for analyzing and describing cumulative effects was published by the Council on Environmental Quality in 1997, and can be downloaded from <http://www.nepa.gov>.

The principal differences between analysis of direct and indirect effects and that of cumulative effects are as follows:

<b>Characteristic</b>	<b>Direct and Indirect Effects</b>	<b>Cumulative Effects</b>
Analysis footprint	Project	Resource
Whose project?	Yours only	All that may affect the same resources, regardless of who does them
Time frame	Present and future project effects	Past, present, and reasonably foreseeable future effects of all projects
Analysis tools	Field work, specialty-specific tools	7 primary methods, 4 special methods
Scope of analysis	Relatively narrow	Comprehensive

### **Learning Activity: Cumulative Effects Guidance**

Review the cumulative effects discussion in § 6.8.3 (pp. 57-61) in the BLM NEPA Handbook, and the Cumulative Effects Protocol behind Tab 3 in the notebook. What questions do you still have about the requirements for cumulative effects assessment?

### **Learning Activity: Identifying Potential Cumulative Effects**

Using your selected case study, identify any other projects (other case studies) that may impact the same resources as yours. How would you begin to gather information to help you deal with cumulative effects for your project?

### ***Public Involvement and Environmental Justice***

BLM guidance makes it clear that Environmental Assessments do not always need to go through the elaborate before-the-fact public involvement processes required for Environmental Impact Statements. The fact remains, however, that NEPA is in part a disclosure law, and the public deserves – and demands – an opportunity to be involved in BLM decision making. So, it is important to know the basics of public involvement strategy, so you can be prepared when a particular project needs more than the usual level of after-the-fact EA review.

Many public involvement techniques exist; selecting the most useful depends on the nature and distribution of your public, and the nature and complexity of the environmental issues associated with your project. For example, some BLM districts and field offices have built-in public sounding boards in their Resource Advisory Councils, composed of representatives from commodity and resource user groups, environmental protection groups and the local public at large.

At the same time, identifying your public(s) is more than just having “the usual suspects” on a standard mailing list. Different people and groups have very different interests, information, and opinions. It is important to tailor any public involvement effort to the audience you want to connect with, and not waste the time of everyone within shouting distance.

### **Learning Activity: Public Involvement Guidance**

Review § 6.9 in the BLM NEPA Handbook and determine what level of public involvement you would propose for your case study project.

### **Learning Activity: Public Involvement Tools**

Review the Public Involvement Technique checklist, behind Tab 3 in the notebook. How many of these techniques have you used in the past? Highlight any public involvement techniques that appear to be especially useful for (1) helping your public(s) understand the nature of your case study project more clearly, and for (2) helping you understand your public's concerns more clearly. Compile these on a flipchart.

### **Learning Activity: Identifying Your Public(s)**

Review the Identifying Your Public protocol behind Tab 3 in the notebook. Notice the many different factors that you could take into account as you figure out just whom to notify and involve in project planning. Highlight the types of factors that you want to make sure you consider when identifying interested and affected public(s) for your case study project. Compile these on a flipchart.

### **Learning Activity: Environmental Justice**

Review the Environmental Justice protocol behind Tab 3 in the notebook. What kinds of additional information will you need to gather to determine whether you have an Environmental Justice issue for your case study project? What additional actions must you take if this turns out to be the case?

### *Cultural Resources Compliance (Section 106 of the National Historic Preservation Act)*

Two dozen federal laws now apply to some aspect of cultural resource preservation, more laws than protect any other environmental resource. Beginning in the 1880s (yes, the late 19<sup>th</sup> century), each new law has added requirements for both federal agencies and the public. Criminal penalties were increased dramatically in the 1980s and 1990s, while requirements for involving the public, Indian Tribes, and local governments have been added and clarified since 2000.

All BLM projects involve compliance with at least one of these laws, the National Historic Preservation Act of 1966, which has been amended and strengthened several times in the last 40+ years.

Section 106 of the National Historic Preservation Act reads as follows:

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or Federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking.

Most of the activities related to Section 106 compliance are accomplished by subject matter experts in archaeology, history, architecture, anthropology, and similar disciplines. It is important to know the basic steps, however, so you can be prepared and understand the nature of the time factor compliance may entail.

To begin, it is important to note that Section 106 only applies to properties listed on or eligible for the National Register of Historic Places (“significant” properties). The eligibility criteria are:

### The National Register of Historic Places Criteria

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and

- (a) **that are associated with events** that have made a significant contribution to the broad patterns of our history; or
- (b) **that are associated with the lives of persons** significant in our past; or
- (c) **that embody distinctive characteristics** of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (d) **that have yielded, or may be likely to yield, information** important in prehistory or history.

Note that there are no time restrictions – for example, there is no such thing as a “fifty year rule.” There is, however, a “fifty year rule-of-thumb,” contained in the “criteria considerations” listed here:

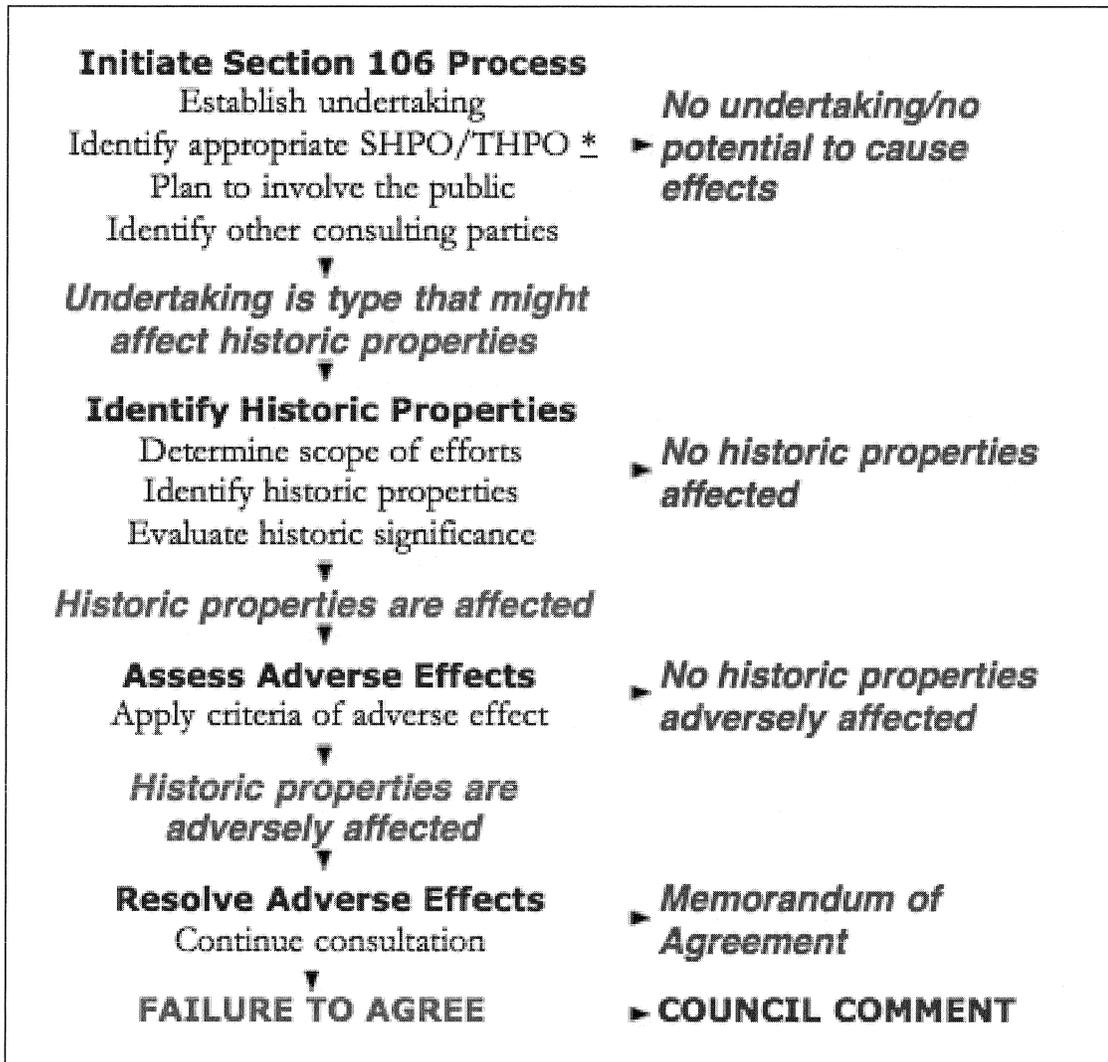
Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- (a) **A religious property** deriving primary significance from architectural or artistic distinction or historical importance; or
- (b) **A building or structure removed from its original location** but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- (c) **A birthplace or grave** of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life.
- (d) **A cemetery** which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- (e) **A reconstructed building** when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- (f) **A property primarily commemorative** in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or
- (g) **A property achieving significance within the past 50 years** if it is of exceptional importance.

The Act requires consultation during project planning with the appropriate State Historic Preservation Officer(s), Tribes, and the public. If significant properties will be adversely affected by a proposed undertaking, a Memorandum of Agreement (or a Programmatic Agreement, depending on the circumstances) must be developed and implemented that describes mitigation measures, who does what, and when agreed-upon actions must take place.

**Learning Activity: The Advisory Council Flow Chart**

In your group, review the Advisory Council on Historic Preservation flow chart below, and highlight any activities that any of your past projects have been involved in. What happened in those situations? If you have participated in a Programmatic Agreement or Memorandum of Agreement, what was the nature of the stipulations (mitigation measures) agreed to in that document? How long did the entire process take? If it took longer than you expected, what could you have done to make it less time-consuming?



## *Threatened Or Endangered Species (Endangered Species Act compliance)*

Endangered Species Act compliance also is usually handled by subject matter experts, such as biologists, botanists, and wildlife or fisheries specialists. Section 7 of the Endangered Species Act reads in part as follows:

(2) Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an "agency action") is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of this section. In fulfilling the requirements of this paragraph each agency shall use the best scientific and commercial data available. (3) Subject to such guidelines as the Secretary may establish, a Federal agency shall consult with the Secretary on any prospective agency action at the request of, and in cooperation with, the prospective permit or license applicant if the applicant has reason to believe that an endangered species or a threatened species may be present in the area affected by his project and that implementation of such action will likely affect such species. (4) Each Federal agency shall confer with the Secretary on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under section 4 or result in the destruction or adverse modification of critical habitat proposed to be designated for such species. This paragraph does not require a limitation on the commitment of resources as described in subsection (d).

Therefore, agencies that may affect species listed as endangered species must go through a consultation process with the US Fish and Wildlife Service to determine whether any reasonable or prudent alternatives to the proposed action, and to develop appropriate mitigation measures for affected species.

The basic outline of the federal agency consultation process is in the box on the next page.

Presentations by Fish and Wildlife Service staff at national conferences have suggested that they interpret "jeopardy" to mean "moving the species in the wrong direction," NOT simply pushing it over the brink to extinction. Similarly, they interpret "appreciably" to mean "capable of being measured, perceived, noticed," NOT equivalent to "significant." Make sure you understand how these terms are interpreted by your specialists and their FWS counterparts.

### **Learning Activity: Section 7 Consultation**

In your group, review the steps in the Section 7 consultation process, and highlight any activities that any of your past projects have been involved in. What happened in those situations? If you have participated in a jeopardy opinion or habitat conservation plan process, what was the nature of the stipulations (mitigation measures) agreed to in that process? How long did the entire process take? If it took longer than you expected, what could you have done to make it less time-consuming?

## Section 7 Consultation for Federal Agencies

### How is the consultation process started?

Before initiating an action, the Federal action agency (the agency planning a specific action), or its non-Federal permit applicant, must ask the FWS to provide a list of threatened, endangered, proposed, and candidate species and designated critical habitats that may be present in the project area. If we answer that no species or critical habitats are present, then the Federal action agency has no further ESA obligation under section 7(a)(2) and consultation is concluded. If a species is present, then the Federal action agency must determine whether the project *may affect* a listed species. If so, consultation is required. If the action agency determines (and the FWS agrees) that the project *does not adversely affect* any listed species, then the consultation (informal to this point) is concluded and the decision is put in writing.

### What happens if a federal project may adversely affect a listed species?

If the Federal action agency determines that a project *may adversely affect* a listed species or designated critical habitat, formal consultation is required. There is a designated period of time in which to consult (90 days), and beyond that, another set period of time for the FWS to prepare a biological opinion (45 days). The determination of whether or not the proposed action would be likely to jeopardize the species or adversely modify its critical habitat is contained in the biological opinion. If a *jeopardy* or *adverse modification* determination is made, the biological opinion must identify any *reasonable and prudent alternatives* that could allow the project to move forward.

### How does the Service manage projects that require the 'take' of some listed species?

If the FWS issues either a *nonjeopardy* opinion or a jeopardy opinion that contains reasonable and prudent alternatives, it may include an incidental take statement. "Take" is defined as harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting or attempting to engage in any such conduct. ("Harm" is further defined to include significant habitat modification or degradation that results in death or injury to a listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering.) "Incidental take" is defined as take that is incidental to, and not the purpose of, an otherwise lawful activity. The FWS must anticipate the take that may result from the proposed project and, providing such take will not jeopardize the listed species, describe that take in the incidental take statement. The latter contains clear terms and conditions designed to reduce the impact of the anticipated take to the species; these terms are binding on the action agency.

## Learning Activity: Summary of Learning Points

Using the flip charts and markers provided, prepare *one* poster that summarizes the major learning points of this module, as if you were briefing your boss or coworkers on the content of the training. You may (and should!) use words, pictures, and diagrams on your summary. Your group will have 10 minutes to prepare the summary poster, and a maximum of 2 minutes to present it to the class.

# Module Five: Preparing the Environmental Assessment

## Introduction

Here is where the rubber meets the road, so to speak: the actual task of preparing a legally defensible, complete and concise Environmental Assessment that meets the Council on Environmental Quality requirements and follows all the appropriate BLM guidance.

Remember that there are lots of ways to do this task *right* – while it might seem nice to have each and every EA follow the exact same format, there is a lot of flexibility allowed by the regulations and guidance. What is important is to make sure that the analysis process is well thought through and well documented, and that everything that is necessary is included.

Review the FOCUS™ tools we covered in Module 3, and read Chapter 8 in the BLM NEPA Handbook, “Preparing an Environmental Assessment.”

Now we are going to put them together in an extended EA preparation activity, based on the BLM-specific case study you have been working with so far.

## Learning Activity: Storyboarding a Case Study EA

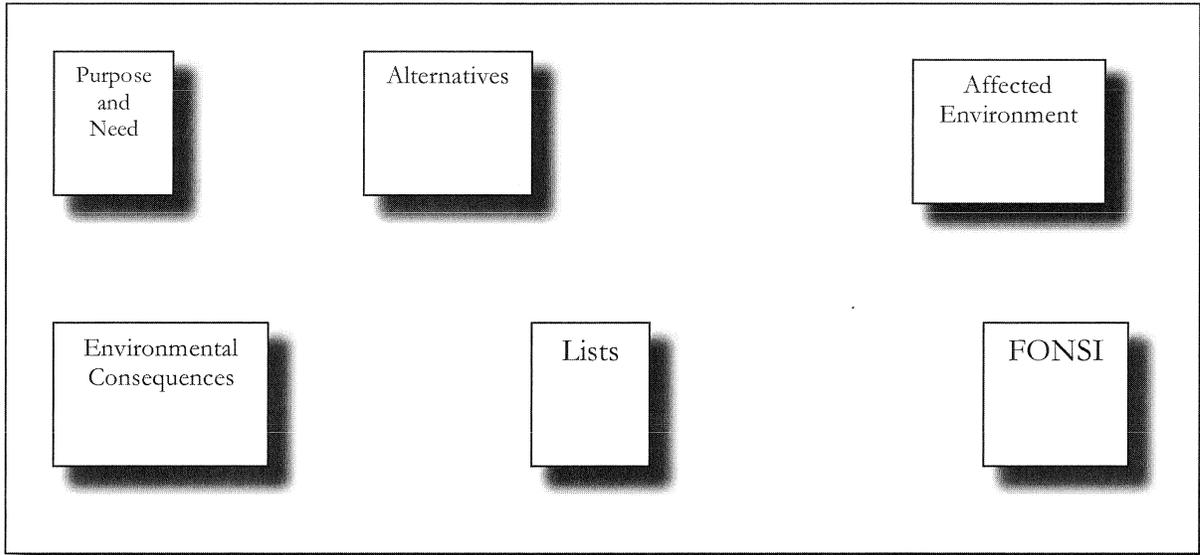
Storyboarding is a process of outlining major points then filling in between them. The term comes originally from the animation industry, but the technique is now widely used in producing all kinds of documents. See Illustrations 1 and 2, below.

Storyboarding creates a *page for page* representation of the finished document. Thus, a 15-page EA will have 15 pages of storyboard.

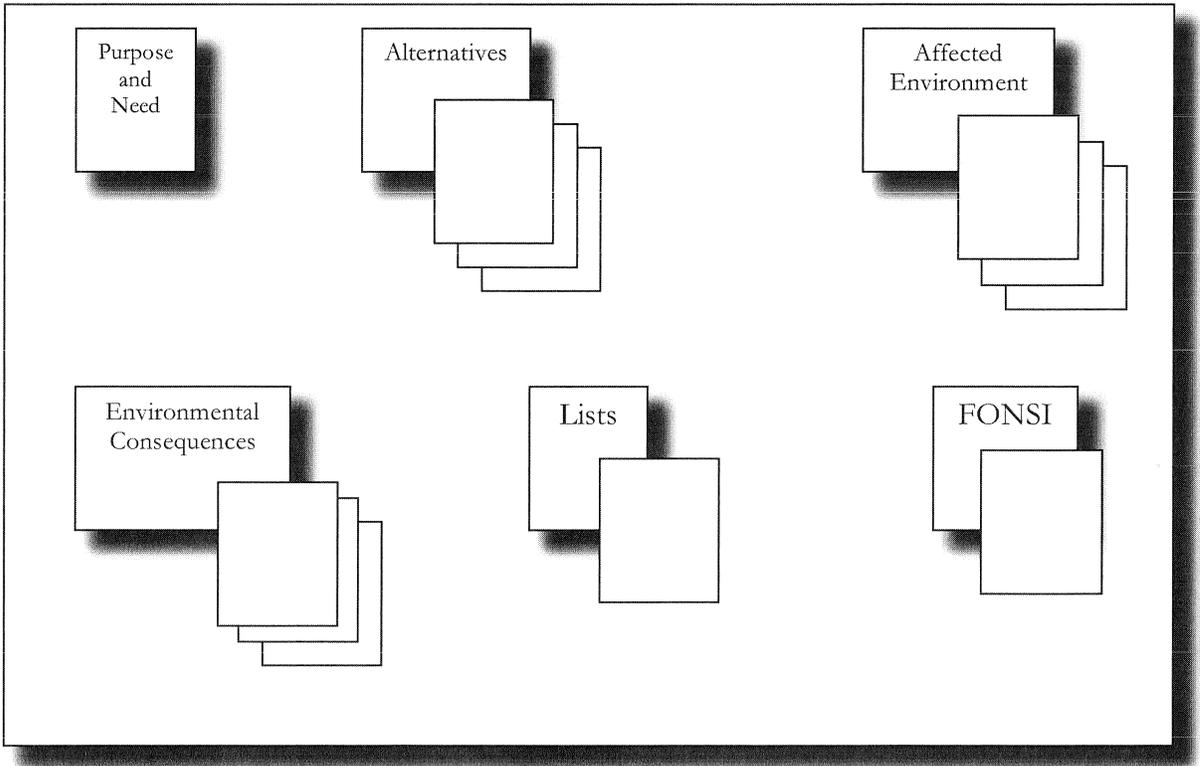
Storyboards can be laid out many ways:

- Flip chart or butcher paper on the wall
- Three-ring binder
- Computer word-processor
- File folders (one for each section)
- Storyboarding note pads

**Illustration 1: Key Points on a Storyboard**



**Illustration 2: Filling in between Key Points**



### *Learning Activity: Storyboarding Demo*

Observe the storyboarding demo presentation, and answer the following questions:

1. With what images does the sequence begin and end?
2. How many major scenes come between the beginning and the end of the sequence?
3. How many different artists contributed to creating the demo presentation?
4. In what 3 ways can storyboarding support teamwork?
5. In what ways can storyboarding streamline the document preparation process?

### *Learning Activity: Storyboarding your EA*

In your group, review the case study information provided. Note that you may have to create or invent some information to successfully complete this activity in its entirety. The task is to storyboard a complete EA, based on the case study, within the page limit given. Practice using the following tools:

#### **Process Tools**

- Setting objectives
- Team process
- Structured brainstorming
- Preparation protocols
- Annotated outline
- Compliance checklists

#### **Product Tools**

- Document formats
- Graphics
- Plain language
- Sufficiency protocols
- Review procedures
- Administrative Record

### **Action Steps**

1. Set your objectives for the EA process
2. Determine the Interdisciplinary Team process you will use
3. Familiarize yourself with the BLM required and optional EA formats
4. Based on the case study information, use structured brainstorming to determine what issues may arise, what alternatives may be viable, and other important items
5. Create an annotated outline, so each group member knows his/her responsibilities
6. Review the protocols and compliance checklists to design your EA so nothing gets left out
7. Begin storyboarding, making sure you are creating a page-for-page representation of the final document. Consider these questions: how many pages of maps will you need? References cited? How long should each section be? How can you ensure it is written in Plain Language?

### **Learning Activity: Reviewing EAs for Completeness and Compliance**

Using Department of the Interior EA Compliance Checklist, review each group's storyboards to ensure all required elements are included.

## Module Six: Taking It All Back Home

This is your opportunity to make sure you remember all the important tools and applications you gained from experiencing this workshop. The instructor will facilitate one or more of these learning activities.

### **Learning Activity: Answering Your Questions**

Remember the question cards from the first morning? Now is the time you make sure you have the answers. The instructor will return each set of cards to a different group, who will answer the questions.

### **Learning Activity: From 1 to 35 in 60 Seconds**

In your group, compile a list of at least 35 things you learned during the workshop. The instructor will time this activity; you have 60 seconds.

### **Learning Activity: Elevator Speech**

Most of you will get asked the following questions upon your return to work. Be prepared! Take 2 minutes to jot down the answers, and volunteer to rehearse your “speech” if you get the chance:

1. What did you learn?
2. How will you apply it?
3. What new resources do you have?
4. What is your first step in applying your new learnings?

### Learning Activity: Create a Job Aid

Review your notes and activities over the past few days, and select one topic, process, or learning for which it would be helpful to have a job aid for handy reference (a template, a diagram, a list of steps or questions, a list of references, etc.). You have 10 minutes, and can use any of the materials at your table. If you want to collaborate with a co-worker, go ahead!

### Learning Activity: Summary of Learning Points

Using the transparency material and audio-visual pens on your table, prepare *one* overhead that summarizes the major learning points of the entire workshop, as if you were briefing your boss or coworkers on the content of the training. You may (and should!) use words, pictures, and diagrams on your summary. Your group will have 10 minutes to prepare the summary overhead, and a maximum of 2 minutes to present it to the class.

### Learning Activity: Preview Poster

In your group, create “preview poster” for the next class, following the instructions below and using the flip-chart markers at your table. You have 10 minutes.

<b>Preview Poster Instructions</b>	
<b>Task</b>	Create a poster that summarizes the key points covered in this training session.
<b>Audience</b>	The poster should be designed for participants attending future sessions of this training program.
<b>Intended Use</b>	<ul style="list-style-type: none"><li>• The poster will be placed on the walls of this room during future training sessions.</li><li>• The poster has to be self-contained. No one will explain its purpose or content.</li><li>• The purpose of the poster is to provide a preview of the training contents.</li></ul>
<b>Content</b>	<ul style="list-style-type: none"><li>• The poster should summarize key points covered in this training session.</li><li>• The poster may contain text, symbols, and pictures.</li></ul>
<b>Constraints</b>	<ul style="list-style-type: none"><li>• Your poster is limited to one sheet of flip-chart paper.</li><li>• You can only use the colored felt-tipped markers supplied to you.</li><li>• You cannot paste or attach anything to the poster.</li></ul>
<b>Process</b>	<ul style="list-style-type: none"><li>• All members of the team should jointly produce a single poster.</li><li>• You may refer to the workshop handouts and your notes.</li></ul>
<b>Time Limit</b>	10 minutes

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# References and Resources

## Internet Resources

- Environmental Training & Consulting International, Inc.  
<http://www.envirotrain.com>
- International Association for Impact Assessment  
<http://www.iaia.org>
- National Association of Environmental Professionals  
<http://www.naep.org>
- Council on Environmental Quality  
<http://www.nepa.gov>
- Advisory Council on Historic Preservation (National Historic Preservation Act)  
<http://www.achp.gov>
- US Fish and Wildlife Service (Endangered Species Act)  
<http://endangered.fws.gov>
- NOAA Fisheries  
<http://noaa.gov/fisheries.html>
- International Association for Public Participation (public involvement)  
<http://www.iap2.org>
- BLM Instruction Memos and Information Bulletins  
<http://www.blm.gov/nhp/efoia/wo/woerr.html>
- BLM Electronic Reading Room  
<http://www.blm.gov/nhp/efoia>
- Healthy Forest Initiative Sample EAs  
[http://www.fire.blm.gov/ea\\_sites/projects.htm](http://www.fire.blm.gov/ea_sites/projects.htm)

## Reference Cited

Eccleston, Charles (1995) NEPA: Determining When an Analysis Contains Sufficient Detail to Provide Adequate Coverage for an Proposed Action. *Federal Facilities Environmental Journal*, Summer, pp. 37-50

## Recent Books of Interest

Caldwell, Lynton Keith

1998 *The National Environmental Policy Act: An Agenda for the Future*. Indiana University Press, Bloomington

Clark, Ray and Larry Canter, editors

1997 *Environmental Policy and NEPA: Past, Present, and Future*. St. Lucie Press, Boca Raton, FL

Eccleston, Charles H.

1. *The NEPA Planning Process*. John Wiley & Sons, New York, 1999
2. *Environmental Impact Statements*. John Wiley & Sons, New York, 2000
3. *Effective Environmental Assessments*. CRC Press, 2001
4. *NEPA, Terrorism, and Environmental Planning*, CRC Press, 2007

Lemons, John, editor

1995 *National Environmental Policy Act: Readings from The Environmental Professional*. Blackwell Science, Inc., Cambridge, MA

