

**Rosemont Copper Project**  
**Cooperating Agency**  
**Training**

**07/29 and 30/2009**  
**11:00 AM to 12:00 PM**  
**Various Locations**

- **Tucson, AZ**
- **Sahuarita, AZ**
- **Phoenix, AZ**

**Meeting Notes**

**Request for Review**

**Discussion:**

⇒ The Forest Service contracted SWCA's training staff to conduct a National Environmental Policy Act (NEPA) training for cooperating agencies. The training was delivered via webinar format to several locations. This training included a PowerPoint presentation by Steve Knox and is SWCA's proprietary property.

Pima County provided facilities to host the Tucson Session with 31 participants; Arizona Department of Mines and Minerals provided facilities to host the Phoenix session with 10 participants; and the Town of Sahuarita hosted the Sahuarita Session with 10 participants.



# Introduction to NEPA Webinar

**Instructor: Steve Knox**  
**July 29-30, 2009**  
**10am – 12pm MST**

## Day 1

### **Introduction**

- Welcome
- Course Objectives

### **Module 1- NEPA Overview**

- Background
- Major Elements of NEPA
- CEQ Regulations
- What Triggers NEPA
- Levels of NEPA Analysis

### **Module 2 – Project Kickoff and Public Involvement**

- Lead and Cooperation Agencies
- Project Management Team
- Interdisciplinary Team
- The Work Plan and Schedule
- Public and Agency Involvement
- Scoping
- Additional Agency Consultation

### **Module 3- The Analysis**

- Purpose and Need

## Day 2

### **Module 3 (cont'd)**

- Alternatives Development
- Affected Environment
- Environmental Consequences

### **Module 4 – Document Preparation**

- Draft EA/EIS
- Final EA/EIS

### **Module 5 – The Decision**

- Record of Decision
- Finding of No Significant Impact
- Administrative Record



Transcribed Participant List

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## Welcome to Introduction to NEPA

- Thank you for standing by... the conference call will begin shortly.
- Please remember to dial in:  
866-740-1260
- Access code: 8078170



## Welcome to Introduction to NEPA

- Your host is Aura Poulsen
- Your instructor is Steve Knox
- Questions will be read and answered during Q & A breaks
- Webinar is being recorded and you will be provided with link for later access
- Please turn off your screensaver

## Course Objectives

- After course completion, participants will:
  - Understand the history and purpose of NEPA
  - Understand NEPA terminology
  - Understand each step of the NEPA process
  - Understand the difference between an EA and an EIS
  - Know the outline of an EA and EIS and the level of analysis required for each
  - Understand what is needed for the Administrative Record and implementation/monitoring




## Course Overview - Modules

Module I	NEPA Overview
Module II	Project Kick-off and Public Involvement Includes scoping
Module III	The Analysis Includes Purpose and Need, Alternatives Development, Existing Environment, and Environmental Consequences of Alternatives
Module IV	Document Preparation Includes the Administrative Draft, Draft and Final EA or EIS
Module V	The Decision Includes the Administrative Record, implementation, and monitoring

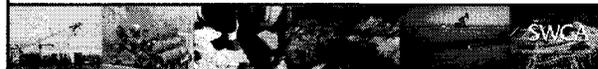
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## Module I NEPA Overview

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### What Is NEPA?

- National Environmental Policy Act of 1969
- Signed into law January 1, 1970
- Response to public sentiment that public agencies should protect the environment
- Nation's broadest environmental law
- Applies to all federal agencies and activities that they manage, regulate or fund that affect the environment



### The Forces Behind Passage of NEPA

- Environmental consciousness of the 60s
- Little regulation of sewage, air pollution, industrial waste disposal
- Nuclear technology and attendant waste
- Silent Spring, 1962 (pesticides)
- Formation of environmental action groups
- Concept of "ecology"
- Federal decisions based on only economic factors
- Fragmented environmental management institutional framework



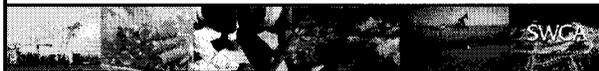
### NEPA Statute

- National Environmental Policy Act of 1969
- An Act in Two Titles
  - Title 1
    - Section 101: Broad declaration of policy
    - Section 102: Action-forcing procedural requirements (i.e., prepare detailed statement, consult agencies, interdisciplinary approach, consider environmental factors)
    - Section 103: Requires review of the agency procedures
  - Title 2
    - Establishes the Council on Environmental Quality (CEQ)



### Other Environmental Laws Interacting with NEPA

- Clean Water Act of 1972, as amended
- Clean Air Act of 1972, as amended
- Endangered Species Act of 1973, as amended
- NEPA is different from these laws because it is interdisciplinary, procedural, and requires coordination with other environmental laws



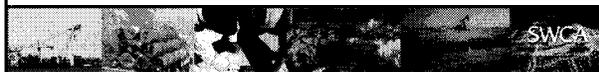
### Major Elements of NEPA

- Discloses impacts of "major federal actions significantly affecting the quality of the human environment"
  - Includes policies, programs, and plans of federal agency
  - Effects include direct, indirect, and cumulative
- Brief and open-ended



### What Does NEPA Boil Down to?

- Disclosure of information
- Informed decision making
- Prescribes conditions to protect the environment
- Intergovernmental coordination and cooperation

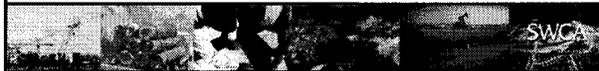


### Does NEPA Delay Needed Projects?



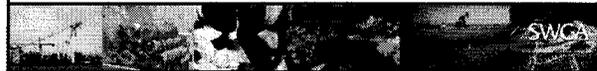
### Council on Environmental Quality (CEQ)

- Three President-appointed, Senate-approved members
- Reports annually to the President on the State of the Environment
- Oversees implementation of NEPA
- Web site at [www.nepa.gov](http://www.nepa.gov)



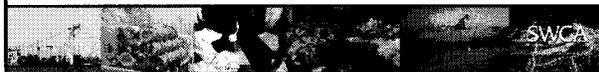
### CEQ Duties

- Issues NEPA regulations applicable to all agencies
- Issues nonbinding NEPA guidance
- Reviews and approves agency NEPA procedures
- Resolves lead agency disputes
- Mediate agency disagreements concerning environmental issues



### CEQ Regulations

- Issued November 29, 1978
- Originally guidelines – easily ignored
- Executive Order authorized CEQ to establish CEQ Regulations (40 CFR 1500)
- Basic purpose is to implement Title 1, Section 102(2) of NEPA (action items)



### Specific Purposes of CEQ Regulations

- Provide quality control (rigorous process and analysis)
- Ensure NEPA process promotes informed decision-making
- Directs federal agencies to adopt their own specific NEPA implementation procedures





## CEQ NEPA Regulations

- Part 1500 – Purposes, Policy and Mandate
- Part 1501 – NEPA and Agency Planning
- Part 1502 – Environmental Impact Statement
- Part 1503 – Commenting
- Part 1504 – Pre-decision Referrals to CEQ
- Part 1505 – NEPA and Agency Decision Making
- Part 1506 – Other Requirements of NEPA
- Part 1507 – Agency Compliance
- Part 1508 – Terminology and Index

*Note: Each federal agency adapts its own detailed NEPA procedures consistent with the CEQ regulations. Contents include categorical exclusions, agency decision process*

## CEQ NEPA Guidance

- 40 Most-Asked Questions Concerning CEQ's NEPA Regulations
- Specific topics, including:
  - Scoping
  - Cumulative impact analysis
  - Environmental justice
  - Agricultural land impacts
  - Environmental effects abroad
  - Transboundary impacts



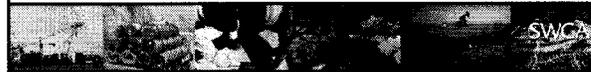
## EPA'S NEPA Oversight Responsibilities

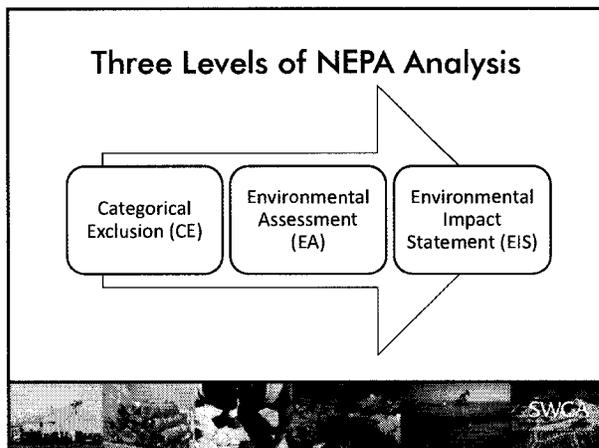
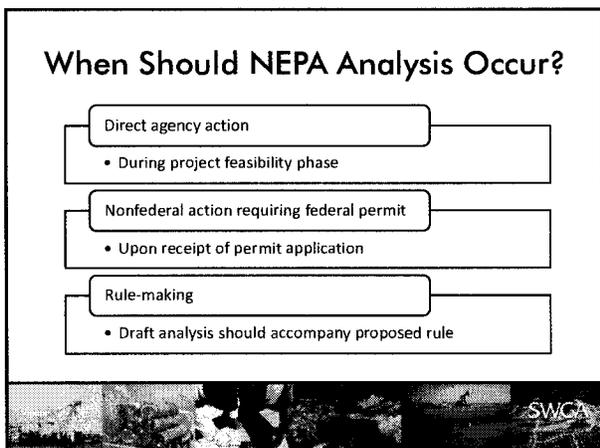
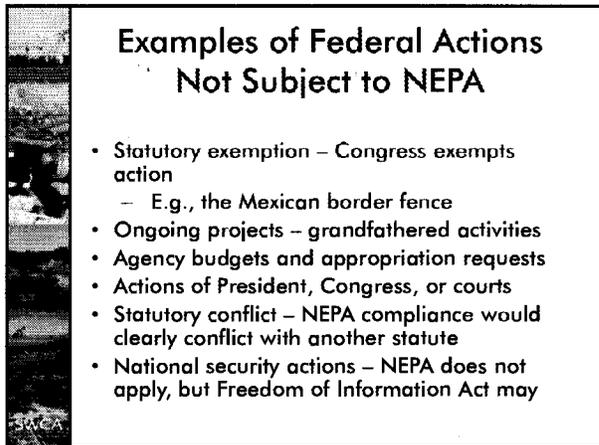
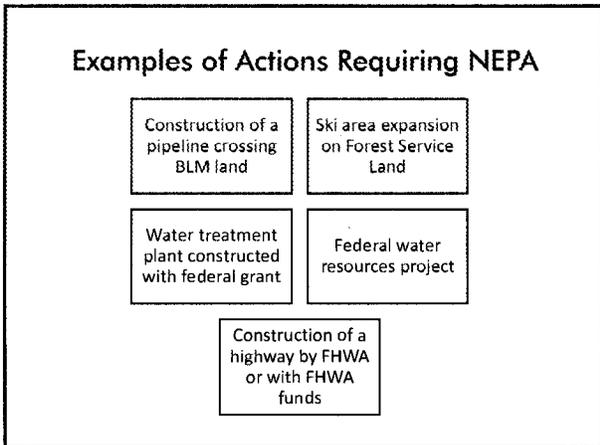
- File and notice EISs in Federal Register
- Review EISs for document adequacy and proposal's environmental impacts
- Cooperating agency for certain resources




## What Triggers NEPA?

- Proposal for federal action
- Federal actions may include:
  - Federally funded or executed projects or programs
  - Federal regulations, plans, policies, and legislative proposals
  - Nonfederal activities financed, permitted, or otherwise approved by a federal agency
  - Nonfederal activities requires a federal "nexus" to trigger NEPA







## Categorical Exclusion

- Proposed action is unlikely to have significant environmental effects
  - Decision can be based on previous analyses that have arrived at same decision
- Each agency has an internal scoping process and pre-determines actions eligible for CEs
- CE typically documented with a short memo documenting why the proposed action
  - Meets the agency's CE definition
  - Has no "extraordinary circumstances"

## Examples of CE Actions

- Upgrading a snowmaking pipeline on Forest Service land
- Small hazardous fuels reduction projects
- Natural resource inventories
- Oil and gas drill pad permits disturbing less than 5 acres
- Small construction, restoration, or rehabilitation projects



## Environmental Assessment (EA)

- Proposed action not included on CE list
- Significance of effects is uncertain
- Finding of No Significant Impact (FONSI) is decision document
- Facilitates preparation of EIS when FONSI not possible



## Examples of EA Actions

- Installing a natural gas pipeline in an existing ROW
- Implementing an Endangered Species Recovery Plan
- Granting a permit to drill an oil or gas well
- Widening an existing ski trail



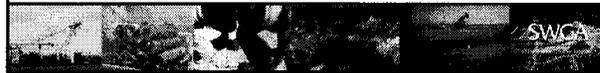
### Environmental Impact Statement (EIS)

- Action has the potential to significantly affect the quality of the human environment
- Triggers may include:
  - Controversy
  - Risks
  - Precedent-setting aspects
- Record of Decision (ROD) is decision document



### Examples of EISs

- Ski area expansion involving hundreds of acres of trail clearing
- Installation of a pipeline involving a new ROW
- Construction of a new highway
- Writing or amending an agency land use plan



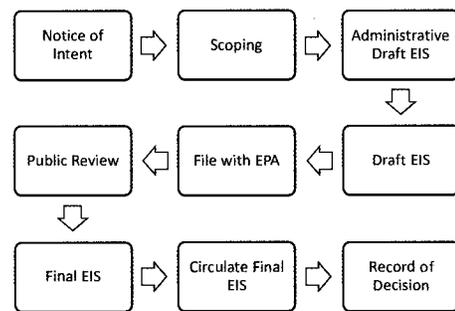
### Key Differences Between EAs and EISs

EISs have

- Greater requirements for public involvement
- Require more detailed alternatives analysis
- Generally have a more rigorous analysis process for alternatives, impacts, and mitigation measures
- Cost more and take longer than EAs
- Involve decision making at higher levels within an agency



### Steps in the EIS Process



### Programmatic vs. Project-Specific Documents

Programmatic Documents	Project-Specific Documents
<ul style="list-style-type: none"> <li>• Prepared for "broad federal actions"</li> <li>• Focus on cumulative impacts, policy-level alternatives, and program-level mitigation strategies</li> <li>• Are usually EISs (can be an EA)</li> <li>• Programmatic documents can also project-level NEPA compliance for some actions</li> </ul>	<ul style="list-style-type: none"> <li>• Can tier from a programmatic NEPA document</li> <li>• Focus on specific project-level alternatives, impacts, and mitigation measures</li> </ul>

- ### Who Can Prepare NEPA Documents?
- Federal agency staff
  - Consultants
  - State transportation agencies (SAFETEA-LU)
  - Local housing authorities (HUD funds)
  - Another federal agency, through lead agency adoption

**Break Time**

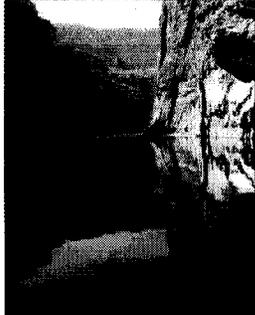
*See you back in 10 minutes.*

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**Module II**

**Project Kick-off and Public Involvement**

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**Project  
Kick - Off**

### **Project Kickoff Steps**

- Identify the lead and cooperating agencies
- Identify the Project Management Team (PMT)
- Identify the Interdisciplinary Team (IDT)
- Formulate the work plan and schedule



SWCA

### **Project Management Team**

- Includes key project managers from:
  - Lead agency
  - Cooperating agencies
  - Third-party consultants



SWCA

### **Project Management Team Responsibilities**

- Defines the scope of the proposed action, alternatives, and issues that will be analyzed in the NEPA process
- Identifies cooperating agencies, IDT members, and other stakeholders
- Develops the work plan, schedule and public participation plan
- Coordinates crafting the NEPA compliance documents



SWCA



### Who Should Be the Lead Agency?

- Magnitude of agency's involvement
- Project approval authority
- Expertise concerning the environmental effects of the alternatives
- Duration of agency's involvement
- Sequence of agency's involvement
- Source: CEQ NEPA regs Section 1501.5(c)
  - Listed in descending order of importance
- Co-lead agencies are possible

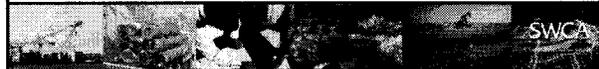
### Lead Agency Responsibilities

- Oversees the NEPA process
- Designates cooperating and contributing agencies
- Ensures that agency consultation occurs
- Provides for public involvement
- Makes the primary decision on the proposed action



### Who Should be a Cooperating Agency?

- Jurisdictional or management responsibility over affected resources
- Special expertise with affected resources
- Geographic proximity to proposed action
- State and local agencies are eligible
- Lead agencies are responsible for designating cooperating agencies
  - CEQ has issued detailed lead agency guidance



### Cooperating Agency Responsibilities

- Must:
  - Participate in the NEPA process
  - Use the lead agency NEPA document for decision-making
- Should:
  - Contribute to scoping
  - Help develop purpose and need
  - Help develop alternatives
  - Help in analysis in areas of expertise
  - Provide staff support
  - Assist in writing/reviewing documents



### NEPA Requires Interdisciplinary Approach

- Compose team of specialists with expertise in fields / resources that may be affected by proposed action.
  - Determined through scoping
  - Include natural sciences, social sciences, environmental design



### The Interdisciplinary Team

The ID Team typically includes:	The ID Team responsibilities include:
<ul style="list-style-type: none"> <li>• Project Management Team</li> <li>• Agency and contractor resource specialists</li> <li>• Other interested stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>• Information dissemination</li> <li>• Public involvement</li> <li>• Description of the resource and impact assessment</li> <li>• Alternative development</li> </ul>



### The Work Plan and Schedule

<ul style="list-style-type: none"> <li>• Pre-planning</li> <li>• Agency scoping</li> <li>• Public involvement and scoping</li> <li>• Proposed Action and alternatives</li> <li>• Baseline data</li> <li>• Handle other permits</li> <li>• Assessment of environmental impacts</li> </ul>	<ul style="list-style-type: none"> <li>• Administrative Draft EA/EIS and review</li> <li>• Draft EA/EIS</li> <li>• Response to public comments</li> <li>• Final EA/EIS</li> <li>• ROD; Decision Record/FONSI</li> </ul>
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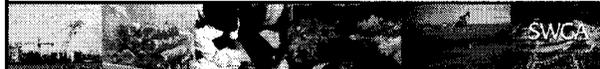


### Summary of Key Project Kickoff Decisions

- Identify the lead agency
- Identify the cooperating and contributing agencies
- Identify the ID team
- Determine the level of NEPA analysis
- Formulate the work plan and schedule



## Public and Agency Involvement



### Agencies shall:

*(a) Make diligent efforts to involve the public in preparing and implementing their NEPA procedures.*  
*(40 CFR 1506.6)*



### Characteristics of a Good Public Involvement Approach

- Provides for ....
  - Early and continuing public involvement
  - Timely information
  - Reasonable access
  - Adequate public notice
  - Explicit consideration and response
  - Periodic review of effectiveness



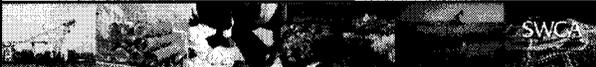
### Opportunities for Public Involvement in the NEPA Process

- Preliminary issue identification
- Proposed action, purpose and need
- Notice of Intent
- Scoping
- Alternatives
- Impact analysis, mitigation
- Draft and final EA/EIS
- Decision Record/FONSI or ROD



### Scoping

- Required by CEQ for EISs
- Scoping may be required for EAs depending on lead federal agency
- Some level of scoping should be conducted for all projects



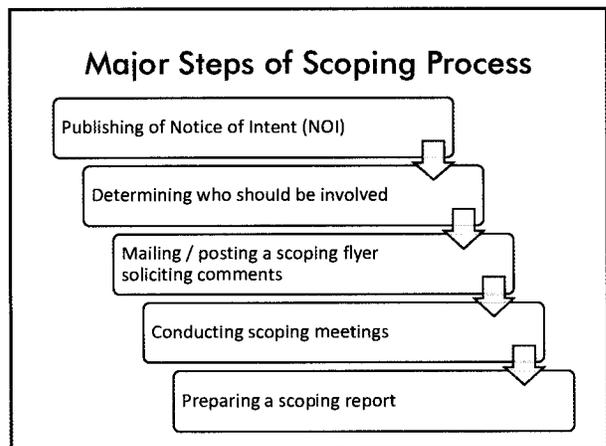
### Purposes of Scoping

- Determine scope of analysis, issues to be analyzed, and alternatives that respond to the issues
- Identify and eliminate issues that don't warrant analysis
- Invite other agencies and the public to participate
- Identify the need to integrate NEPA with other environmental laws



### What's an Issue?

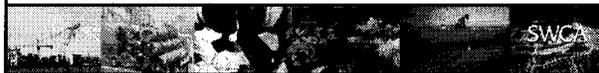
- Foundation for NEPA analysis
- Issue: a point or question to be disputed or decided
  - Often expressed as a question - "What steps should be taken to reduce air pollutant emissions"
  - An issue is not a topic, e.g., "air quality" is not an issue
- Scoping report should identify significant vs. non-significant issues
  - Significant: will be used to formulate alternatives or assess environmental effects
  - Non-significant: will not be addressed in EIS (state reason)

## Who Should be Involved?

Agencies, organizations, and persons with:

- Jurisdiction
- Geographic proximity
- Commercial interest
- Personal interest



## Types of Scoping Meetings

- Open house design
- Workshop design
- Combination open house and workshop
- Separate meetings for agencies and organizations



## Scoping Report

- Synthesizes input/information received from scoping notice and scoping meetings
- Provides documentation of the public scoping process
- Provides the results of scoping – the list of issues, concerns, and opportunities to be analyzed in the NEPA document
- Provides vehicle for EIS authors to filter, integrate and modify the scope of the proposed action, alternatives, resource issues, and possible impacts



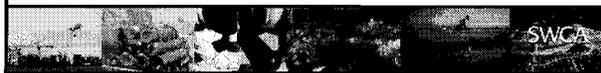
## What Should A Scoping Report Include?

- Comment letters organized and coded by type of sender (e.g., I, O, G, T)
- Individual comments within each letter coded by resource value or use (e.g., WL1, CR2, LS3)
- Copies of comment letters
- Summary of issues, concerns, and opportunities
- May include synopsis of how the comment will be addressed
  - Out of scope of analysis
  - Addressed through impact analysis
  - Addressed through alternatives formulation

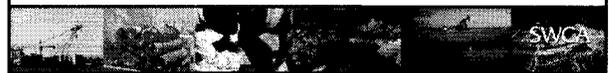


## Q & A

Please use the chat feature to ask your question.

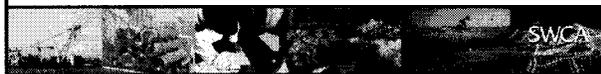


Agency Consultation Required for ESA and NHPA

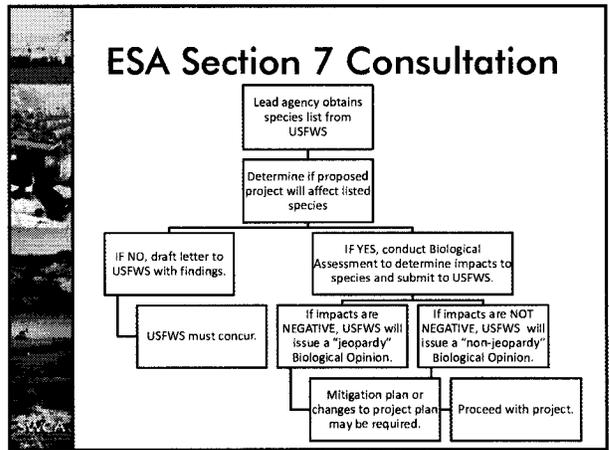
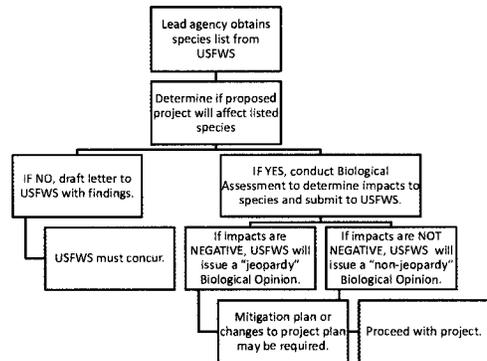


## Integrating Other Consultation Requirements with NEPA

- NEPA documents required to integrate review and consultation requirements of other environmental laws to maximum extent possible
- The integration of ESA Section 7 and NHPA Section 106 consultation processes are the most common



## ESA Section 7 Consultation





### What is Involved in NHPA Section 106 Consultation?

- Identify appropriate SHPO, THPO, & other consulting parties
- Determine who will be lead agency
- Lead agency formally initiates consultation with identified consulting parties. Initiation letter includes:
  - Proposed project's name, description, map, & schedule of project
  - How & whose cultural properties will be identified
  - Description of preservation issues
  - Invitation to be a consulting party
  - Request for information
  - Lead agency contact



### Section 106 Consultation, cont'd

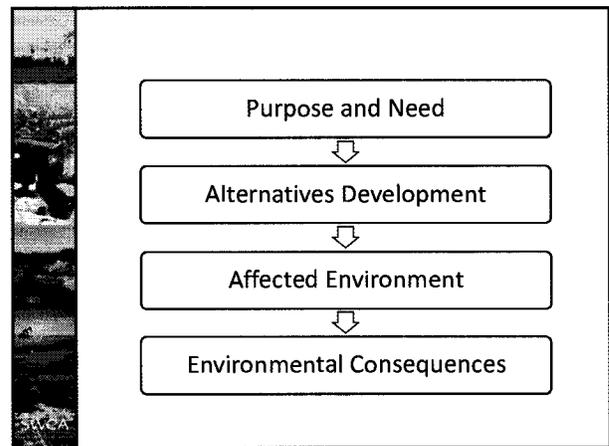
- Conduct follow-up consultation with individual consulting parties or Tribal groups
- Consultation with Tribal groups (and other non-agency interested parties) can only be considered complete when either:
  - Received comment from group and resolved any conflicts, or
  - Demonstrated efforts to solicit, receive, and incorporate comments from the group
- Document all consultation efforts and results in writing, and include documentation in administrative record

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## Module III

### The Analysis

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### Purpose and Need Requirement

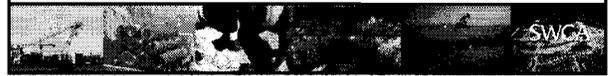
- EIS must briefly specify the underlying purpose and need to which the agency is responding in proposing the proposed action and alternatives including the proposed action.



40 CFR 1502.13

### Purpose and Need Overview

- Provides the justification for the federal action
  - Describes what the project is intended to accomplish
  - Explains the underlying need that the purpose will satisfy
- Purpose and Need statement is NOT:
  - The purpose and need for the EIS or NEPA
  - A general re-statement of the project history



### Purpose

- Should adequately meet the need
- Should not be so narrowly defined as to preclude the formulation of different alternatives to meet that need
- Should not be so broad as to create too broad a range of alternatives
  - E.g., a statement of Purpose to meet national energy needs would require alternatives address a full range of energy programs, conservation, full economy, etc.



### Need

- Should be demonstrable and linked to a responsibility or jurisdiction of the lead agency
- Describes problems that would occur if the Proposed Action was not implemented



### Need Examples

Ski resort currently has inadequate facilities to provide safe and enjoyable skiing. Forest Service is mandated to provide winter recreational opportunities on national forests.

Federal highway is currently congested, is expected to get more congested, and has safety problems. FHWA is mandated to address these problems.



### Importance of Purpose and Need

- Provides the basis and direction for developing alternatives
- A procedure step in the NEPA process that will be attacked by a potential appellant or litigant



### Chapter 1 – Purpose and Need

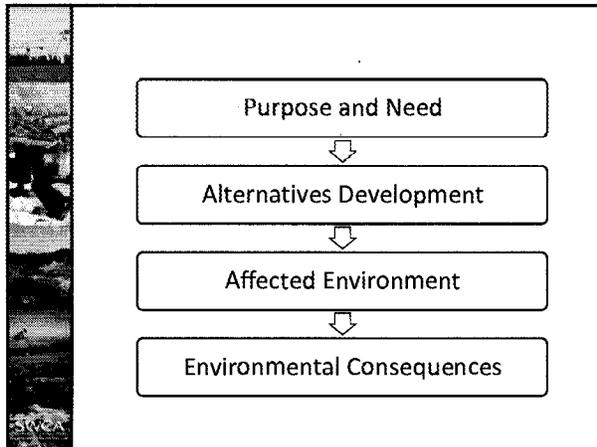
- 1.1 Introduction
  - 1.1.1 Location and Description of Project
- 1.2 NEPA Process
- 1.3 Purpose and Need
  - 1.3.1 Project Need
  - 1.3.3 Project Purpose
- 1.4 Proposed Action
- 1.5 Scope of this EIS
- 1.6 Decisions to be Made
- 1.7 Scoping Issues Related to the Proposed Action
- 1.8 List of Permits and Approvals



## *End of Day 1*

*Please use the chat feature to ask your question.*





## Alternatives Requirement

- "... all agencies of the Federal Government shall... study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources."
- NEPA Section 102(2)(e)

## General Principles

- Alternatives are substitutes for the proposed action that accomplishes the purpose and need in another manner
- Alternatives provide other options to the decision-maker that accomplish the purpose and need
- Alternatives must be included in EIS
- EAs should consider alternatives to resolve conflict over resource values and uses

## Types of Alternatives

- Primary Alternative
  - A substitute for the proposed action that meets purpose and need with a completely different strategy
- Secondary Alternative
  - Uses a similar strategy as a proposed action for meeting purpose and need but with differences in site location, size, operation, or other factors

### Primary Alternative

- Coal-fired plant vs. a nuclear power plant
- Water conservation vs. construction of new dam and reservoir
- Staggering arrivals and departures vs. enlarging an airport



### Secondary Alternative

- Changing the site location of a nuclear power plant
- Finding alternative sites for a new dam and reservoir
- Enlarging different key runways at an airport



### Contents of Alternatives Descriptions

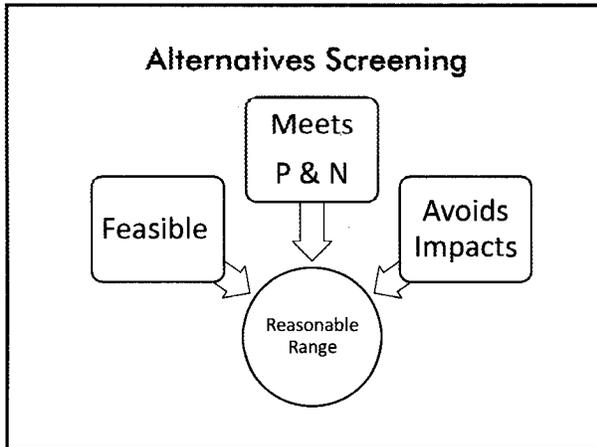
- Rationale for the alternative: why is it included in the NEPA document?
- Location: site, local, and regional maps
- Project features and activities:
  - Design            - Construction
  - Operation      - Closure
- Descriptions may need to include:
  - Design features to reduce/avoid impacts; SOPs, BMPs, stipulations
  - Future phases
  - Connected actions that are interdependent



### Range of Alternatives

- The lead agency must:
  - Rigorously explore and objectively evaluate a reasonable range of alternatives
  - For alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated
- Reasonable range subject to the "rule of reason:" agency not required to consider every extreme possibility which might be conjectured
- A No Action Alternative must be included
- Can alternatives range be limited to proposed action and No Action?





- ### The Preferred Alternative
- Meets purpose and need
  - Best response to issues
  - Balances purpose and need with impacts
  - Agency explain rationale
  - May be identified in the draft EA/EIS

- ### Environmentally Preferable Alternative
- This is the alternative that best protects, preserves, and enhances historic, cultural, and natural resources
  - It may not be preferable in terms of
    - Meeting purpose and need
    - Balancing competing resource uses
    - Resolving issues, concerns, and opportunities

- ### Proposed Action vs. Preferred Alternative
- The proposed action may come from a private proponent, but the preferred alternative is favored by the lead agency
    - Can be identical
  - The proposed action is often the initial proposed project
  - The preferred alternative is usually identified through the NEPA analysis process



### Final Tips for Formulating Alternatives

- If only the proposed action meets the purpose and need, it's time to broaden the purpose and need
- Review and discuss alternatives even if the proposed action is environmentally beneficial
- Document alternatives identified during scoping as either retained or eliminated from detailed analysis, and why
- Alternatives may be developed based on comments on the Draft EIS (Supplemental EIS required?)
- Think outside the box; do not be afraid of all reasonable alternatives



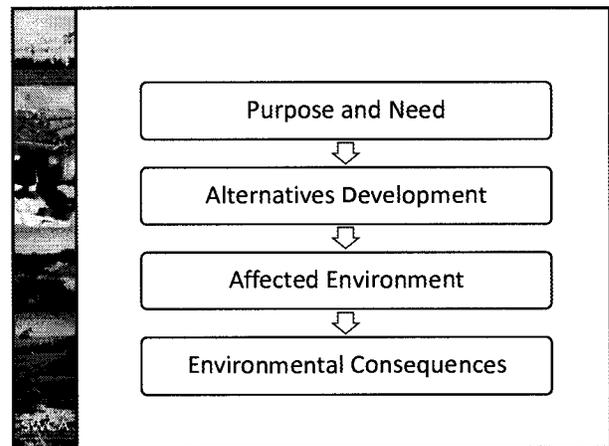
### Tips, cont'd

- A feasible alternative that best meets purpose and need with least environmental impacts is most defensible preferred alternative
- Try to name the alternatives with descriptive themes or features, not just letters or numbers
- Aim for 3 – 5 alternatives
  - Fewer than 3 and your range may be too narrow
  - More than 5 and comparisons between alternatives exceeds brain capacity



### Chapter 2 – Alternatives

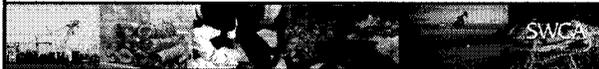
- 2.1 Introduction
- 2.2 Alternatives Formulation Process
- 2.3 Description of Proposed Action and Alternatives
  - 2.3.1 Alternative A – No Action
  - 2.3.2 Alternative B – Proposed Action
  - 2.3.3 Alternative C
  - 2.3.4 Alternative D
- 2.4 Alternatives Eliminated From Detailed Analysis
- 2.5 Reasonably Foreseeable Future Actions
- 2.6 Summary of Alternatives and Effects
- 2.7 Summary of Effects



### Affected Environment Requirements

- "NEPA procedures must ensure that environmental information is available to the public officials and citizens before actions are taken. The information must be of high quality. Accurate scientific analysis... Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail."

40 CFR 1500.1(b)



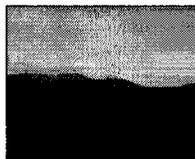
### Broad Categories of Affected Resources

- Physical Environment
  - Structural: geological formations, land forms, soils, river, streams, and lakes
  - Functional: geological stability, soil characteristics, water quality



### Categories, cont'd

- Biological Environment
  - Structural: vegetation, wildlife, wetlands, TES species
  - Functional: forage production, riparian function, food webs, reproduction



### Categories, cont'd

- Human Environment
  - Socioeconomic: community structure, economic viability
  - Aesthetics: scenery, noise, dark skies, recreation settings
  - Cultural: historical archeological sites
  - Human health: risks of natural hazards; exposure to hazardous materials





## Cause-and-Effect Analysis

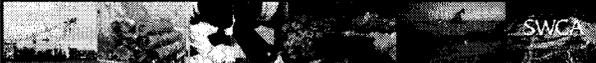
- Identify potential impact-causing elements
- Determine resource impact indicator to describe the affected environment for each resource discipline, and to assess change in the impact analysis section of the EIS/EA

## Cause-and-Effect Example

<p><b>Proposed action:</b> Using prescribed fire to treat decadent sagebrush stands and areas infested by cheatgrass and other noxious weeds</p>	<p><b>Resource affected:</b> Sagebrush habitat, and consequently, sage grouse</p>
<p><b>Type of potential effect:</b> 1) loss of critical habitat; 2) direct mortality to sage grouse inhabiting treated habitat</p>	<p><b>Resource impact indicator:</b> 1) acres of critical sagebrush habitat lost; 2) number of sage grouse individuals killed by prescribed fire</p>

## Resource Impact Indicator

- An element or quality of each resource value or use that can be used as a measure to describe the existing environment and to assess change in the resource condition in the impact analysis
- Preferable if quantitative
  - Example: acres of critical habitat
- May be qualitative



## Keeping It Concise

- Technical reports may be prepared first, then summarized in the EIS and incorporated by reference
- Technical reports must be publicly available





## Data Quality

- Data and methodology do not have to be exhaustive, or even the best available, as long as adequate for an informed decision.
- Data and methodology must:
  - Be accurate
  - Be scientifically defensible
  - Have reasonable basis
  - Be consistently applied
  - Take into account relevant considerations



## Data Sources

- Existing literature
- Existing surveys
- Modeling
- Data analysis
- Existing agency databases
- Additional data gathering may be needed
  - Identify data gaps early in NEPA process
  - If information incomplete or unavailable, agency must include it in EIS if costs not exorbitant
  - Worst case analysis not required



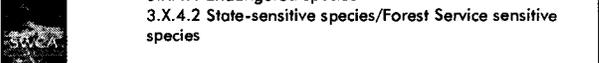
## Examples of Resource Sections

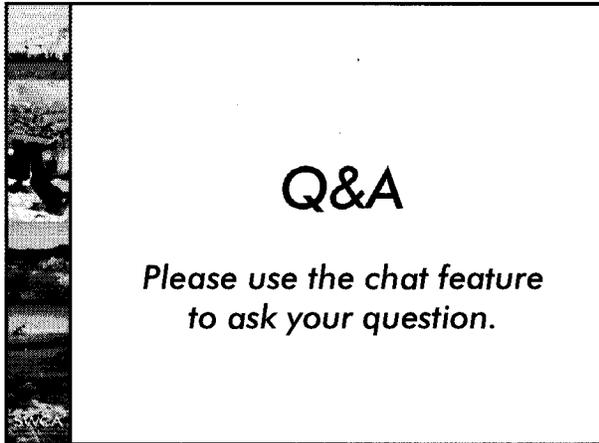
<ul style="list-style-type: none"> <li>• Transportation</li> <li>• Socioeconomics</li> <li>• Air Quality</li> <li>• Noise</li> <li>• Cultural Resources</li> <li>• Paleontology</li> <li>• Visual Resources</li> <li>• Land Use</li> <li>• Electrical Power</li> </ul>	<ul style="list-style-type: none"> <li>• Geology</li> <li>• Soils</li> <li>• Water Resources</li> <li>• Fisheries</li> <li>• Vegetation</li> <li>• Wetlands</li> <li>• Wildlife</li> <li>• Biodiversity</li> <li>• Recreation</li> </ul>
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## 3.X Wildlife Resources

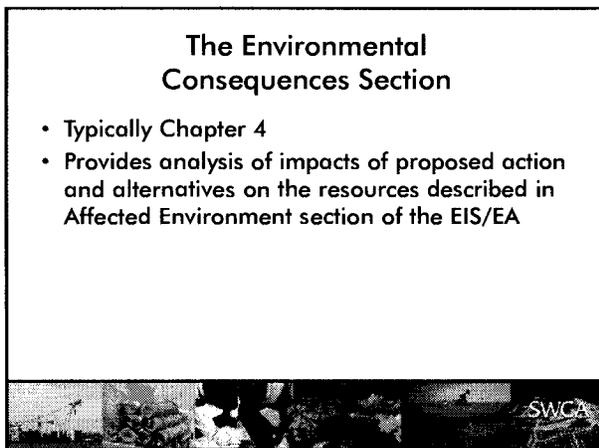
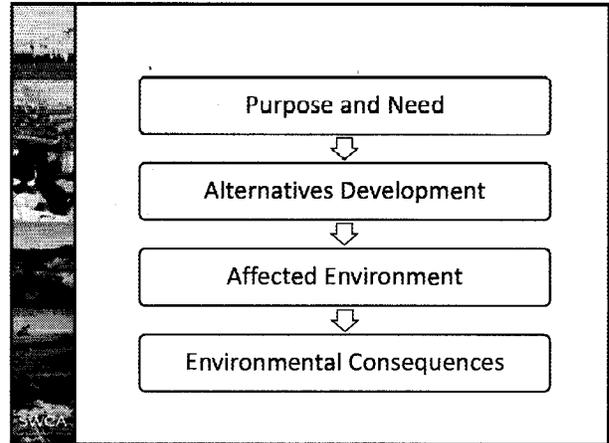
- 3.X.1 Big Game (could be MIS species or guilds)
  - 3.X.1.1 Mule Deer
  - 3.X.1.2 Elk
  - 3.X.1.3 Black Bear
- 3.X.2 Upland Game/Waterfowl
  - 3.X.2.1 Sage-grouse
  - 3.X.2.2 Quail
  - 3.X.2.3 Pheasant
- 3.x.3 Non-game species
  - 3.X.3.1 Reptiles and amphibians
  - 3.X.3.2 Non-game mammals
  - 3.X.3.3 Neo-tropical migrants
- 3.X.4 TES species
  - 3.X.4.1 Endangered species
  - 3.X.4.2 State-sensitive species/Forest Service sensitive species





## Q&A

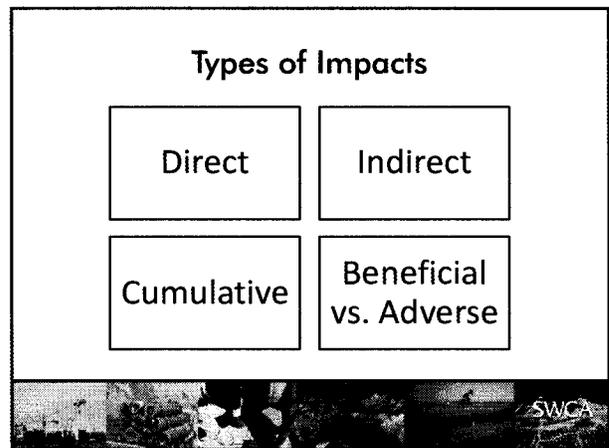
*Please use the chat feature to ask your question.*



### The Environmental Consequences Section

- Typically Chapter 4
- Provides analysis of impacts of proposed action and alternatives on the resources described in Affected Environment section of the EIS/EA

SWCA



### Direct Impacts

- Long and short-term impacts that are spatially and temporally immediate



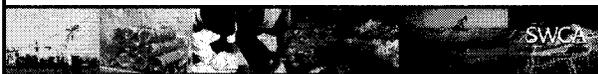
### Indirect Impacts

- Long and short-term impacts that are removed in space and time
- Reasonably-foreseeable
- Do not analyze impacts that are unlikely or speculative



### Cumulative Impacts

- Incremental impacts of proposed action added to impacts of past, present, and reasonably-foreseeable future actions
- Should be assessed quantitatively if possible
- Remote and speculative actions need not be considered
- Coordinate with lead agency, cooperating agencies, and stakeholders to determine temporal and spatial scales for assessment



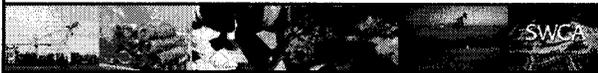
### Connected Actions vs. Cumulative Actions

- Connected actions:
  - trigger other actions which may require EISs
  - cannot proceed unless other actions are taken previously or simultaneously ("but for" test)
  - are interdependent parts of a larger action and depend on the larger action for their justification
  - Connected actions should be considered in the same EIS, and not "segmented."
- Cumulative actions: actions which when viewed with the proposed action have cumulatively significant impacts and thus, should be discussed in same EIS

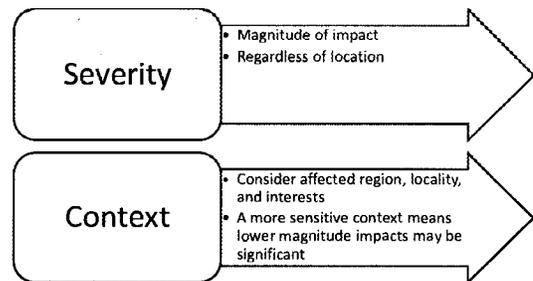


### Impact Analysis Principles

- Affected environment and environmental consequences sections should match each other in scope and detail
- Resource analysis indicators should be used as quantifiable currency to:
  - Describe the resource in the affected analysis
  - Assess change (impacts) to the resource in the impact analysis

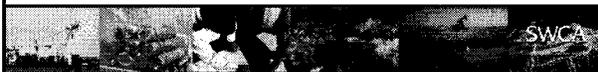


### Impact Significance Overview



### Techniques for Determining Impact Significance

- By comparison
- By comparison and conclusion
- According to recognized expert
- According to public views (use caution)
- According to policy of agencies or organizations with administrative jurisdiction
- According to experience or example



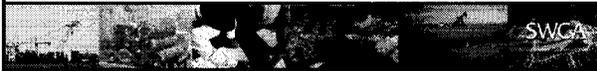
### Techniques for Determining Significance cont'd

- According to law or regulation
- According to the critical nature of the resource, the action, or the impact
- According to relationship with another resource
- According to general reasoning of EIS team (use caution)
- According to threshold from an approved model or analysis approach



### Other Categories of Direct and Indirect Impacts

- Unavoidable adverse impacts
  - Cannot be mitigated
- Relationship between local, short-term uses and long-term productivity
  - Will short-term project use affect long-term resource productivity?
- Irreversible and irretrievable impacts
  - Irreversible impacts: environment cannot be restored
  - Irretrievable: resource value is irretrievably lost until environment is restored



### Mitigation Defined

<b>Avoid</b>	• Avoid impact by not taking certain action
<b>Minimize</b>	• Minimizing impact by limiting the action
<b>Rectify</b>	• Rectifying the impact by rehabilitation or restoration
<b>Preserve</b>	• Reducing the impact by preservation or restoration
<b>Compensate</b>	• Compensating for the impact by replacement or substitution

### 4.X Wildlife Resources

- 4.X Wildlife Resources
  - 4.X.1 Direct and Indirect Impacts
    - 4.X.1.1 Alternative A – No Action
    - 4.X.1.2 Alternative B – Proposed Action
    - 4.X.1.3 Alternative C
    - 4.X.1.4 Alternative D
  - 4.X.2 Mitigation Measures
  - 4.X.3 Cumulative Impacts
  - 4.X.4 Unavoidable Adverse Impacts
  - 4.X.5 Short-Term vs. Long-Term Productivity
  - 4.X.6 Irreversible and Irretrievable Commitment of Resources



### Q&A / Break Time

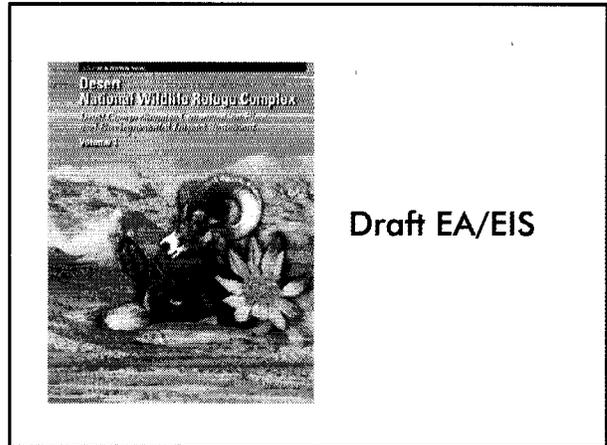
See you back in 10 minutes.



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**Module IV**  
**Document Preparation**

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**What Is the Administrative Draft?**

Moab BLM Field Office  
Administrative Draft  
Environmental Impact Statement

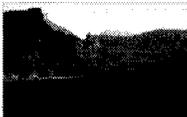


January 2006

- Complete EA/EIS distributed to the lead agency, and possibly other parties, for review prior to release to the public
- Not required by NEPA, may be required by agency regulations or policies

**Purpose of Administrative Draft**

Moab BLM Field Office  
Administrative Draft  
Environmental Impact Statement



January 2006

- Lead agency and stakeholders can see entire analysis package
- Allows identification of linkages
- Check for consistency
- Allows review and revision of "look" of document before publication

### Who Should Review?

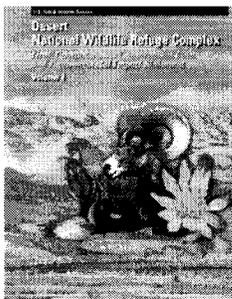
Lead agency PMT and IDT	Cooperating agencies
Contributing agencies	Proponent (Chapters 1,2, and 3 for accuracy- Not Chapter 4!)

### What Is the Public Draft?



- Complete EA/EIS distributed to the public, disclosing the NEPA process and environmental analysis
- Provides a mechanism for public and agency review and comment

### Draft EIS Elements

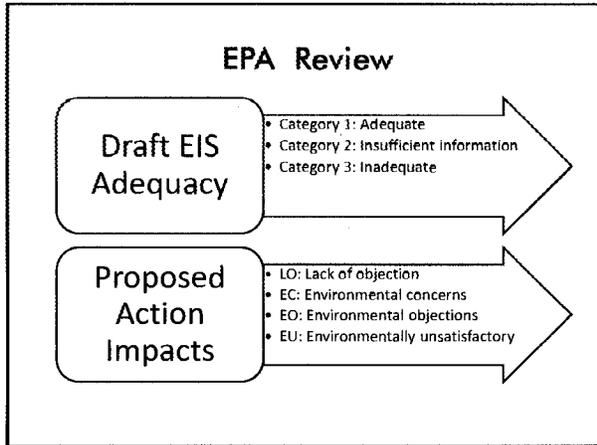


- Cover Sheet
- Summary
- Table of Contents
- Purpose and Need
- Alternatives
- Affected Environment
- Environmental Effects
- Consultation and Coordination
- Glossary, References, Index, and Appendices

### Draft EIS Public Review



- EPA publishes EIS Notice of Availability (NOA) of Draft EIS in Federal Register (not required for an EA)
- Publication of NOA begins public comment period (45-90 days)
- EPA reviews every Draft EIS and evaluates both Draft EIS and proposed action
- Who receives copies of Draft EIS?
  - Pertinent federal, state, and local agencies/municipalities
  - Interested parties requesting copy
  - Local libraries
  - Internet (project website)



### Draft EA Required?

- CEQ regulations do not require a Draft EA to be circulated; some agency NEPA procedures include this requirement
- Draft EA public review is highly recommended in cases of controversial projects



### Draft EA Contents

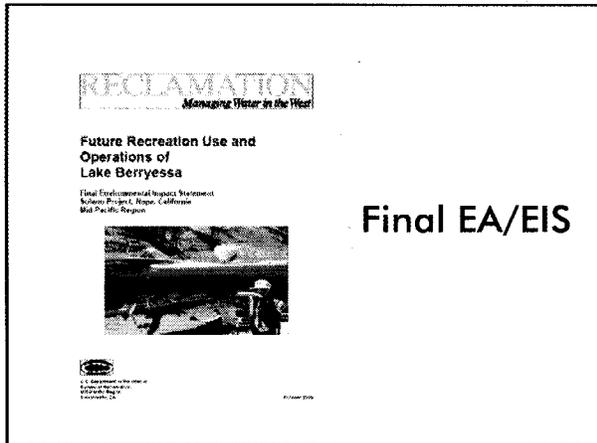
- Brief discussion of purpose and need
- Summary of alternatives
  - Alternatives required in EA when unresolved resource conflicts exist
  - Equal level of detail not required
  - Proposed action and no action sufficient?
- Affected environment and environmental consequences (can be same chapter)
- Agency consultation and coordination
- List of individuals receiving EA



### EA Analysis vs. EIS Analysis

- EA analysis is not as detailed as EIS but cannot draw conclusions unsupported by fact or be perfunctory
- Must provide adequate analysis to demonstrate lead agency took "hard look" at impacts before deciding to prepare FONSI
- Must demonstrate the effectiveness of mitigation measures needed to reduce significant environmental impacts





### What is the Final EA/EIS?

- Responds to public and agency comments resulting from the draft document
- Includes comments on draft document, responses to comments, and necessary revisions to draft document
- Final EA/EIS may be a complete republication of DEIS
- Abbreviated Final EIS: volume with only minor revisions, and responses to comments

### Response to Comments

- Log and code all letter, email, faxes, etc.
- Log and code all comments
- Respond to comments
  - Comment was already addressed in the draft
  - Comment is out of scope (explain)
  - Comment is substantive and requires modification of Final EIS
  - Comment is substantive and requires a response, but does not require a change in the EA/EIS
- Comments and responses are summarized in separate section of Final EA/EIS

### Response to Comments Section

Includes comment summary organized by resource and issue	Includes list of commentors (agency, organization, individual)
Includes comment letters with marked coded comments	Need not include form letters, just a single example

## Who Respond to Comments?

- Usually, Project Management Team responds to comments pertaining to process; comments about Chapters 1 and 2
- Usually, Interdisciplinary Team responds to comments pertaining to analysis; comments about Chapters 3 and 4



## Techniques for Responding

- If comment is out of scope, provide rationale
- When comment is covered by Draft EIS, direct reader to section and page number
- If comment leads to change in draft document: acknowledge and direct reader to Final EIS section where comment addressed
- If comment is valid and within the scope of the project, but does not lead to change in draft document, provide response and detailed rationale



## Attributes of a Useful Comment

- Does not just express opinions regarding the agency or project
- Provides specific examples regarding inadequacies of process or analysis methodology
- Provides specific constructive input on how to change draft document



## Final EIS

### RECLAMATION

Managing Water in the West

#### Future Recreation Use and Operations of Lake Berryessa

Final Environmental Impact Statement  
 Study Project: Lake Berryessa  
 Final EIS Report

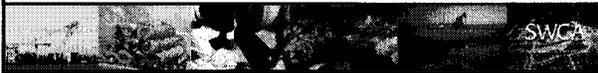


U.S. Department of the Interior  
 Bureau of Reclamation  
 1400 G Street, NW  
 Washington, DC 20004

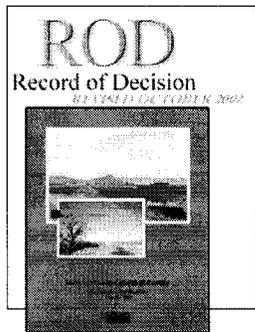
- Includes changes to draft document based on comments (use underline and strikeout to show changes)
- Includes response to comments summary as a section/volume
- Includes agency consultation correspondence (e.g., Section 7, Section 106)

### Sample Outline: Comment Summary and Response to Comments

- Reader's Guide
- Section 1 – Summary of the Comments
- Section 2 – Comment Letters
- Section 3 – Responses to Comments
  - Purpose and Need (PN)
  - Process (PR)
  - Alternatives (AT)
  - Mitigation (MT)
  - Geology and Soils (GS)

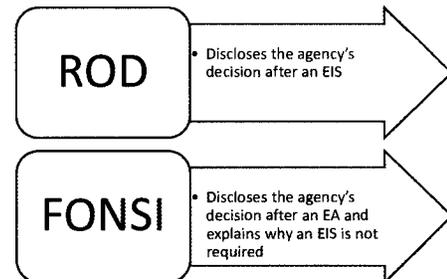


## Module V The Decision

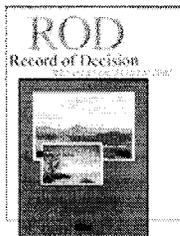


- Record of Decision
- Finding of No Significant Impact

### What is the ROD or FONSI?



## Who Signs and Implements the ROD?

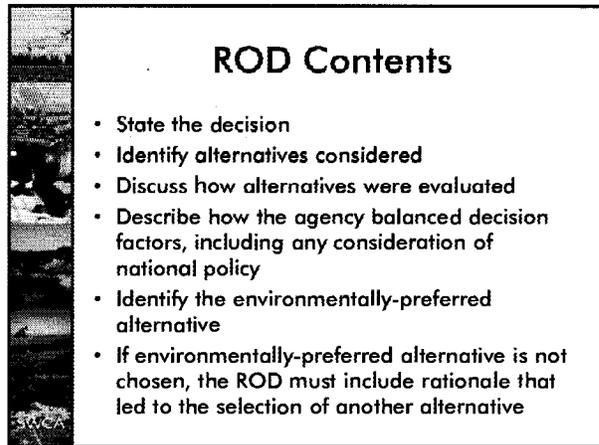


- The lead agency
- Co-lead agency(s)
- Each agency responsible for implementation of decision elements within their management jurisdiction



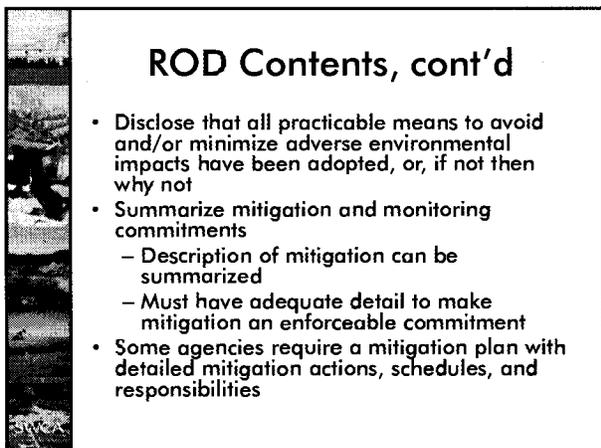
## ROD Contents

- State the decision
- Identify alternatives considered
- Discuss how alternatives were evaluated
- Describe how the agency balanced decision factors, including any consideration of national policy
- Identify the environmentally-preferred alternative
- If environmentally-preferred alternative is not chosen, the ROD must include rationale that led to the selection of another alternative



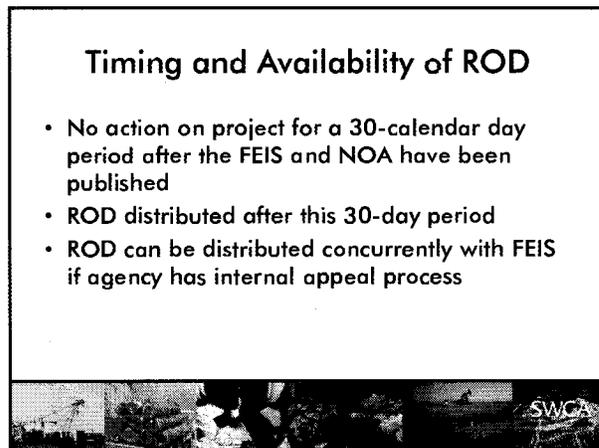
## ROD Contents, cont'd

- Disclose that all practicable means to avoid and/or minimize adverse environmental impacts have been adopted, or, if not then why not
- Summarize mitigation and monitoring commitments
  - Description of mitigation can be summarized
  - Must have adequate detail to make mitigation an enforceable commitment
- Some agencies require a mitigation plan with detailed mitigation actions, schedules, and responsibilities



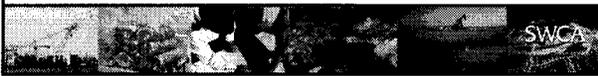
## Timing and Availability of ROD

- No action on project for a 30-calendar day period after the FEIS and NOA have been published
- ROD distributed after this 30-day period
- ROD can be distributed concurrently with FEIS if agency has internal appeal process



### Appeal or Litigation of Decision

- Public can appeal through internal agency appeals process when available (e.g., IBLA)
- Public can litigate if appeal is rejected
- If no appeal process is available, litigation is only option



### What about a FONSI?

- One or two-page memo
- Issued with EA or summary of EA
- Describes how the agency found there was no significant impact, and describes the agency decision
- Does not require an NOA; can be mailed with EA or announced in papers
- Agency NEPA procedures differ on public review
  - Some agencies follow CEQ minimum procedures
  - Some agencies circulate draft FONSI
  - Some agencies require 15-day waiting period before taking action after issuance of FONSI



### Sample Record of Decision Outline

- Introduction
- Project History and Background
  - Purpose and Need
  - Proposed Action
- Decision and Reasons for the Decision
  - Decision
  - Reasons for Decision
  - Purpose and Need
  - Forest Plan or Resource Management Plan
- Management Direction
  - Laws, Regulations, and Policy Directives
  - Environmental Issues
  - List of Permits Required for Decision



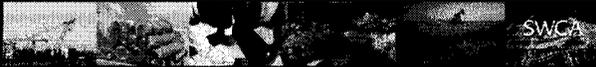
### Sample Record of Decision Outline (cont'd)

- Implementation
  - Other Alternatives Considered
  - Required Mitigation Measures and
- Monitoring
  - Public and Agency Involvement
  - Environmentally Preferable Alternative
  - Consistency with Forest Plan or Resource Management Plan and Other Laws and Regulations
  - Project Implementation



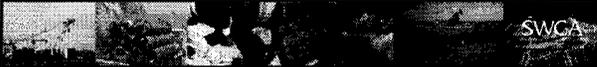


## Administrative Record



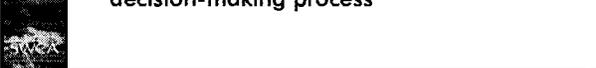
## What is the Administrative Record?

- Collection of hard-copy material that documents:
  - the NEPA process and analysis
  - the agency's decision making process



## What the Administrative Record Provides

- Supporting documentation for project purpose and need
- Formulation of alternatives
- Elimination of alternatives from detailed analysis
- Environmental analysis
- Public and agency involvement process
- Other documentation of agency's decision-making process



## What Should Be Included?

- Scoping flyers, public involvement plans, project management plans
- Documentation of pre-planning decisions (e.g., cooperating agencies, contributing agencies, ID Team)
- Documentation of public involvement
- Supporting documentation for project purpose and need

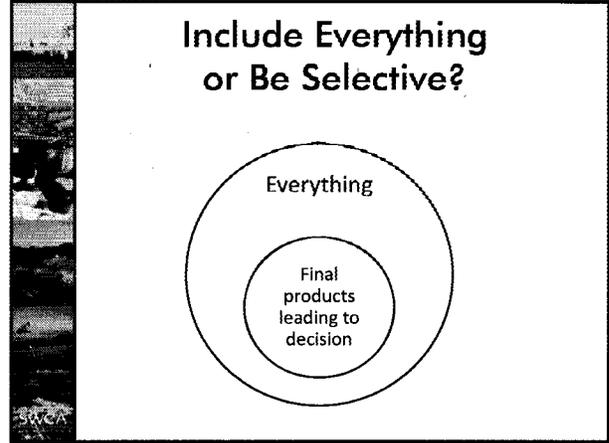
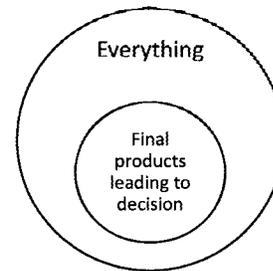


### What Should Be Included? cont'd

- Documentation of the alternative formulation process
- Technical reports documenting the existing conditions and environmental consequences analysis
- Documentation of public comment throughout the process
- All correspondence (including emails) directly related to the NEPA process and analysis

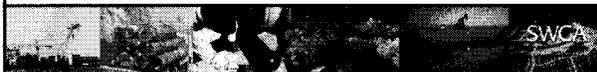


### Include Everything or Be Selective?



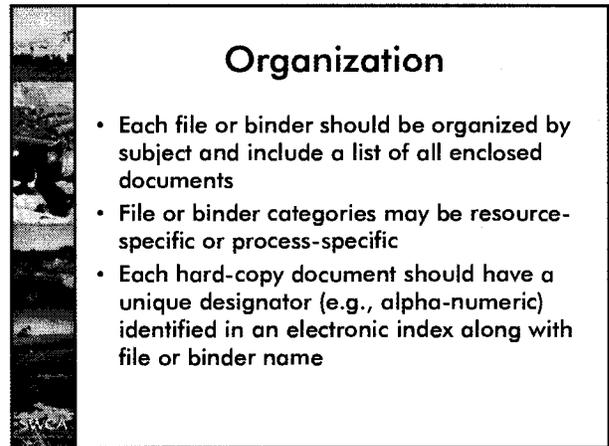
### Who Uses the Administrative Record?

- Agency appeal officers
- Potential appellants and litigants
- Lead agency lawyers
- Judges



### Organization

- Each file or binder should be organized by subject and include a list of all enclosed documents
- File or binder categories may be resource-specific or process-specific
- Each hard-copy document should have a unique designator (e.g., alpha-numeric) identified in an electronic index along with file or binder name



## *End of Day 2*

*Please stick around for  
Q&A / Review.*

