

NEPA 101

AN INTRODUCTION TO THE NATIONAL
ENVIRONMENTAL POLICY ACT FOR CITIZENS, USER
GROUPS, NON-PROFITS, AND BUSINESSES

2012

Naches Ranger District

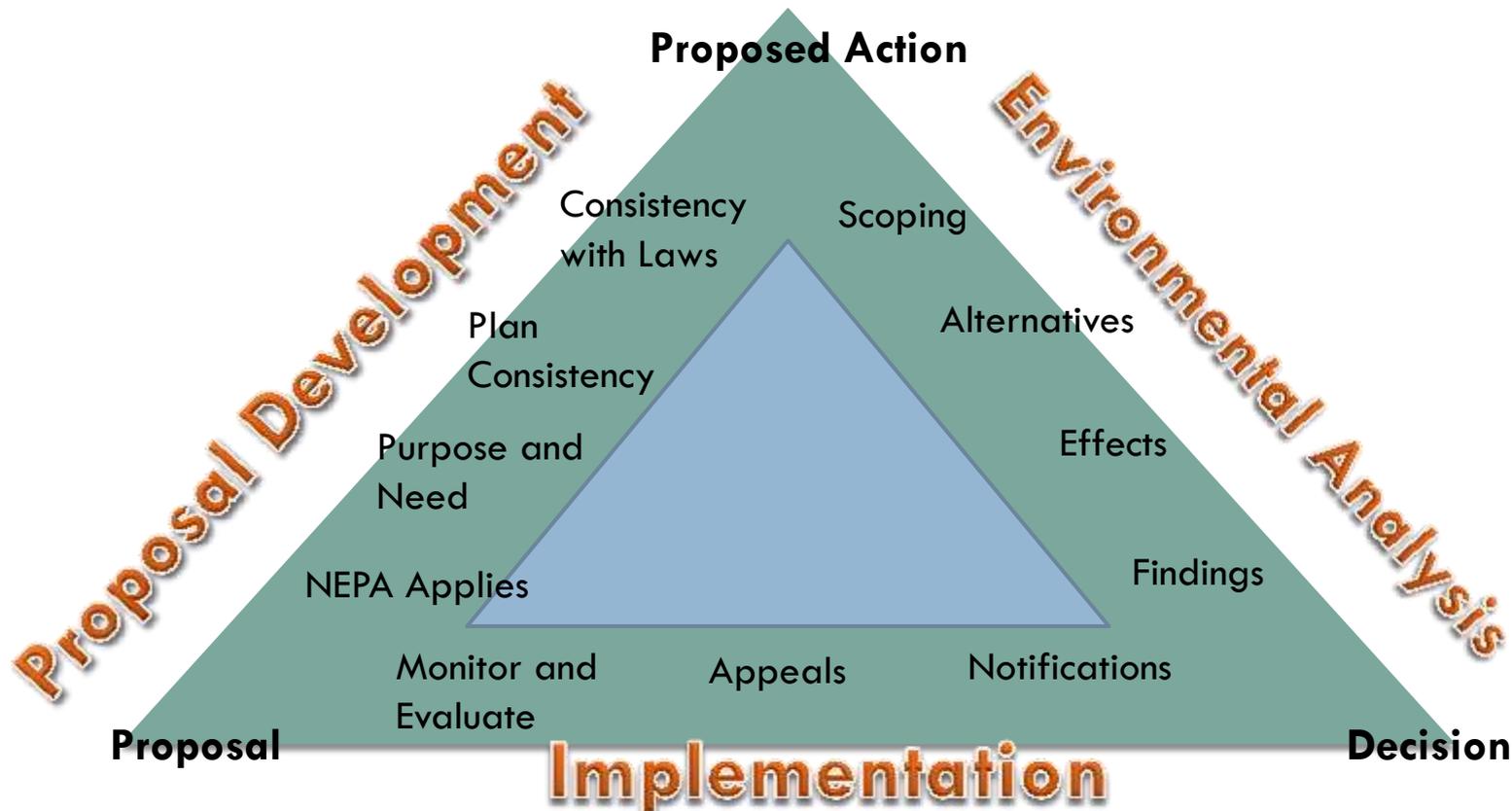
Why Understand NEPA?

- Exercise your right as a citizen
- Navigate through confusing terms and policies
- Help the Forest Service do a better job

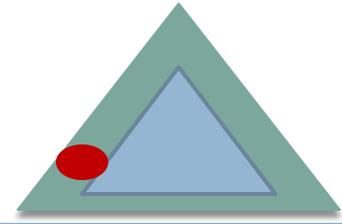


'The NEPA Triangle'

- “Why can’t you just fix that road? It has been here for over 20 years...”



When NEPA Applies



- Federal Agency is in charge of action
- Agency is ready to make a decision on action
- Occurs on Federal land
- Funded by Federal money

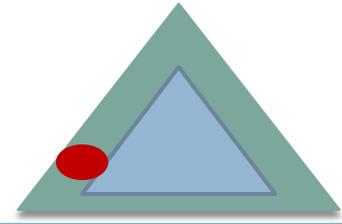


- Effects can be meaningfully evaluated



- Effects are related to the natural and physical environment

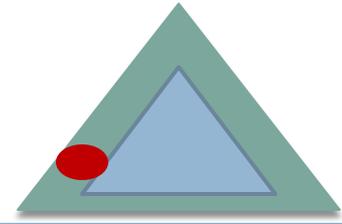
When NEPA Applies



□ EXAMPLE:

- WA Department of Fish and Wildlife wants to upgrade a culvert in the Oak Creek State Wildlife Area. The road the culvert crosses is Forest System Road (FSR) 1401 managed by the Naches Ranger District. Funding for the project will be a mix of Federal and State money. WDFW is already in compliance with the State Environmental Policy Act (SEPA). *Does NEPA apply?*

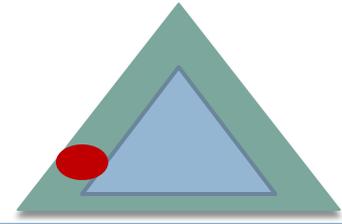
When NEPA Applies



□ EXAMPLE:

- WA Department of Fish and Wildlife is planning to upgrade a culvert in the Oak Creek State Wildlife Area. The road the culvert crosses is Forest System Road (FSR) 1401 managed by the Naches Ranger District. WDFW will pay for the construction and is in compliance with the State Environmental Policy Act (SEPA). *Does NEPA apply?*
- Yes, NEPA must be completed if Federal funding of any kind is used. Even if SEPA is done, NEPA must concurrently be completed.

Purpose and Need

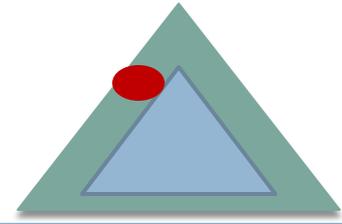


- Why we are doing the project
- Shows how project relates to Forest Plan
- List the types of actions necessary to accomplish need

Proposed Action has to directly tie to the purpose and need of the project- no more and no less.



Laws and Direction



- Federal laws

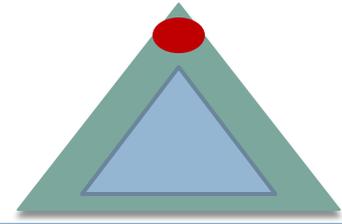
- Endangered Species Act
- Clean Water Act

- Forest Service Direction

- Forest Service Manual and Handbook
- Wenatchee Land and Resource Management Plan
- Northwest Forest Plan (Spotted Owl Recovery)
- Other Records of Decision

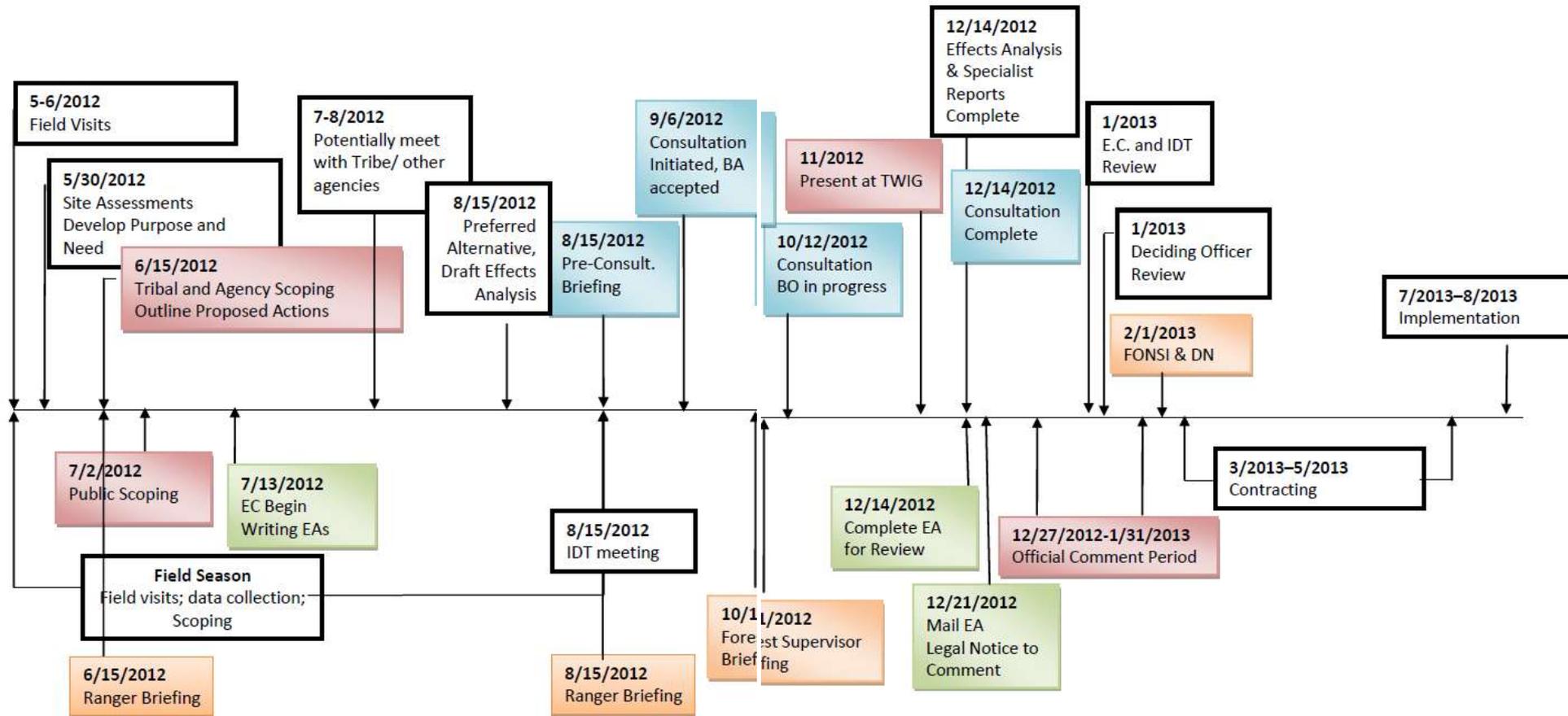


Proposed Action

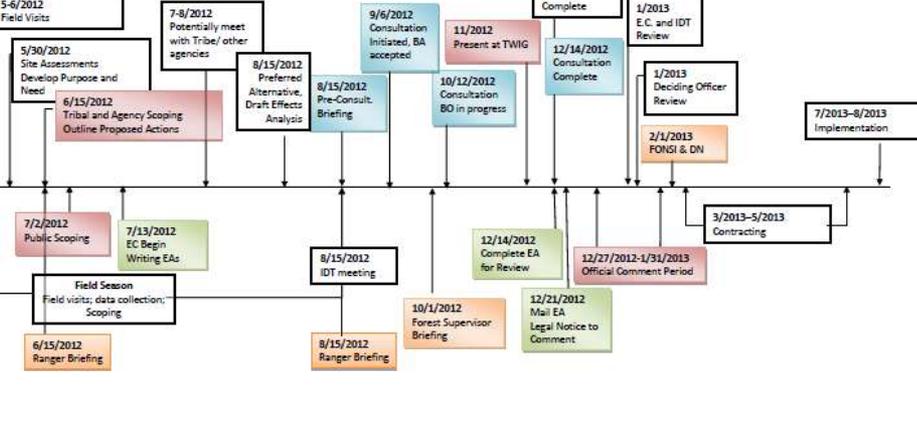
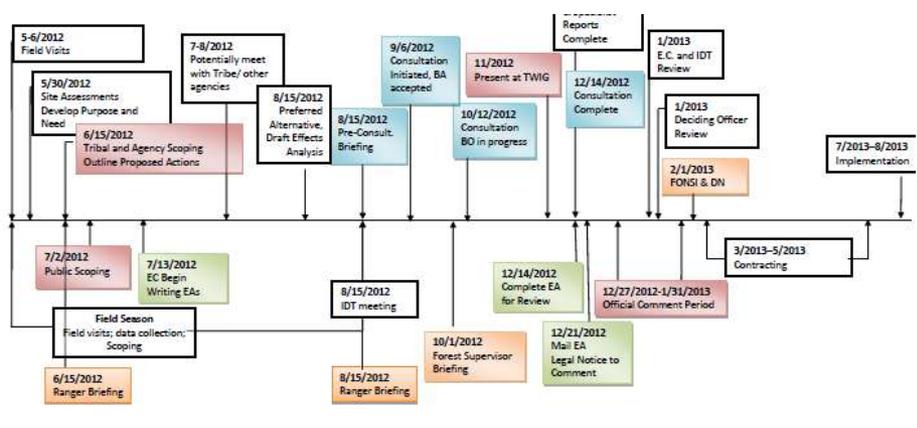
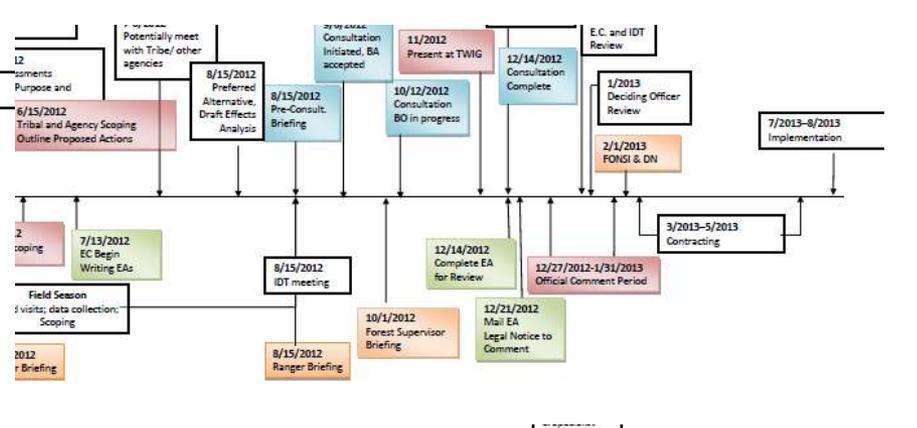
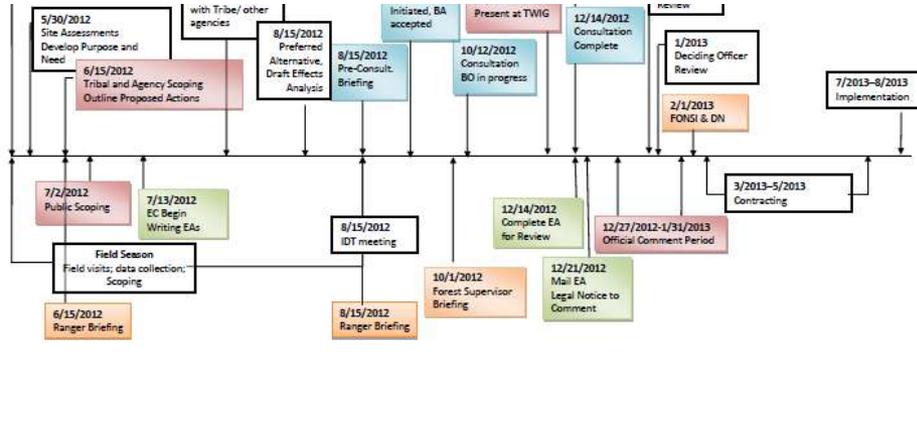
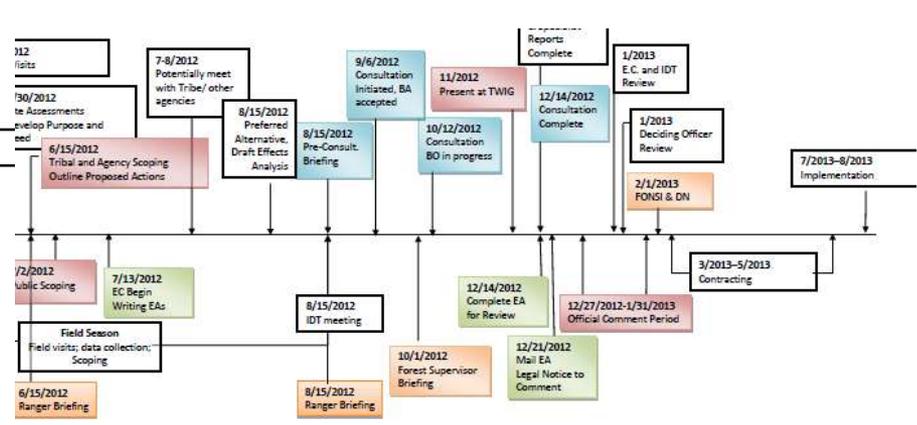
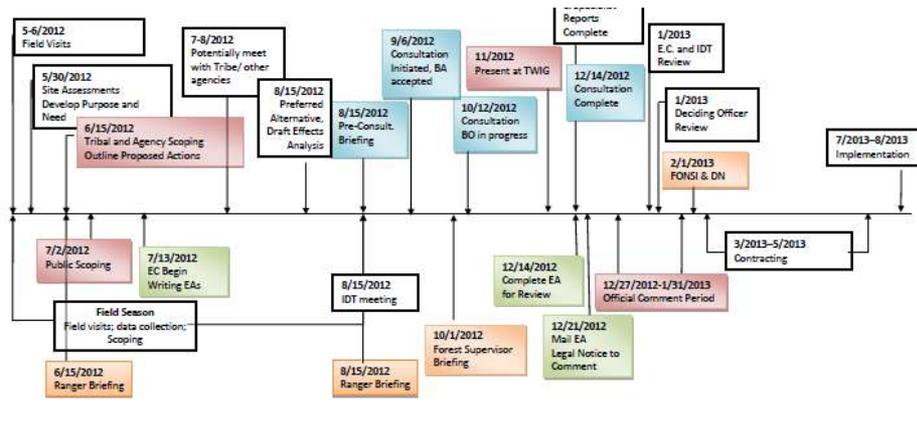


- Clearly states what project is proposing to do
- EVERY action ties to the Purpose and Need
- Inter-disciplinary Team is formed (IDT)
- Proposals can come from many places
- Limitations
 - ▣ Funding for planning
 - ▣ Personnel
 - ▣ Economic climate

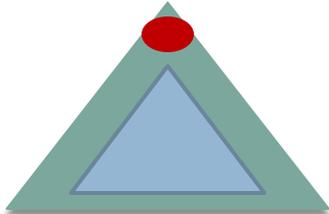
Timelines and Resources



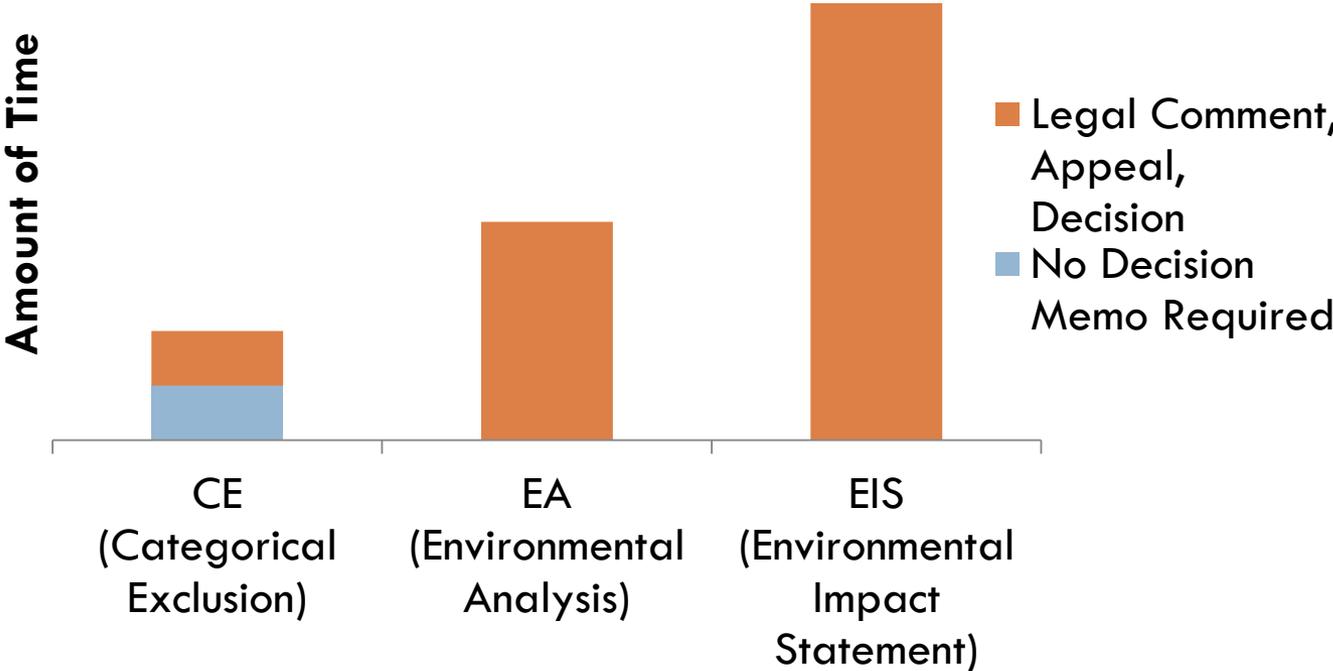
***See Attachment 1**



Proposed Action

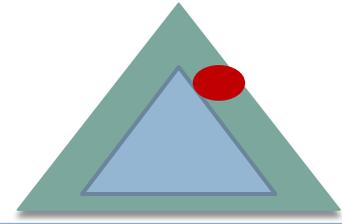


- 3 major types of documents



*Type of analysis may be mentioned in the Proposed Action but it is not finalized until the Effects Findings are complete

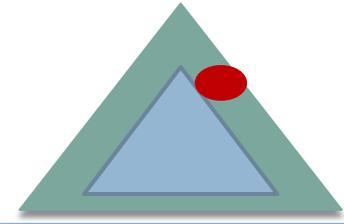
Scoping



Basic Facts

- Scoping=Sensing
- Legal Requirements → Commensurate with Scale
- Helps determine the level of analysis needed
- Helps discover alternatives
- Find unanticipated Effects
- ***ALL projects*** require some level of scoping

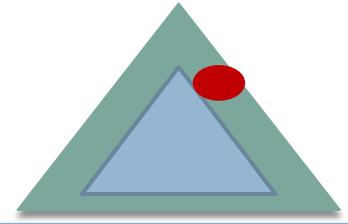
Scoping



- Scoping Comments and Input
 - Does not count as a vote
 - Can be accepted at ANY time during project analysis
 - Must be directly related to Proposed Action
 - Could be letter, conversation, email, phone call

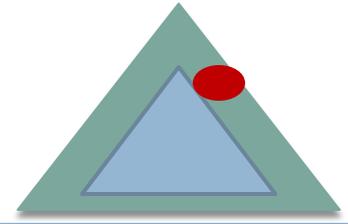
- SOPA
 - Schedule of Proposed Action
 - Can search for EAs and EISs on any District
 - <http://www.fs.fed.us/sopa/>

Scoping



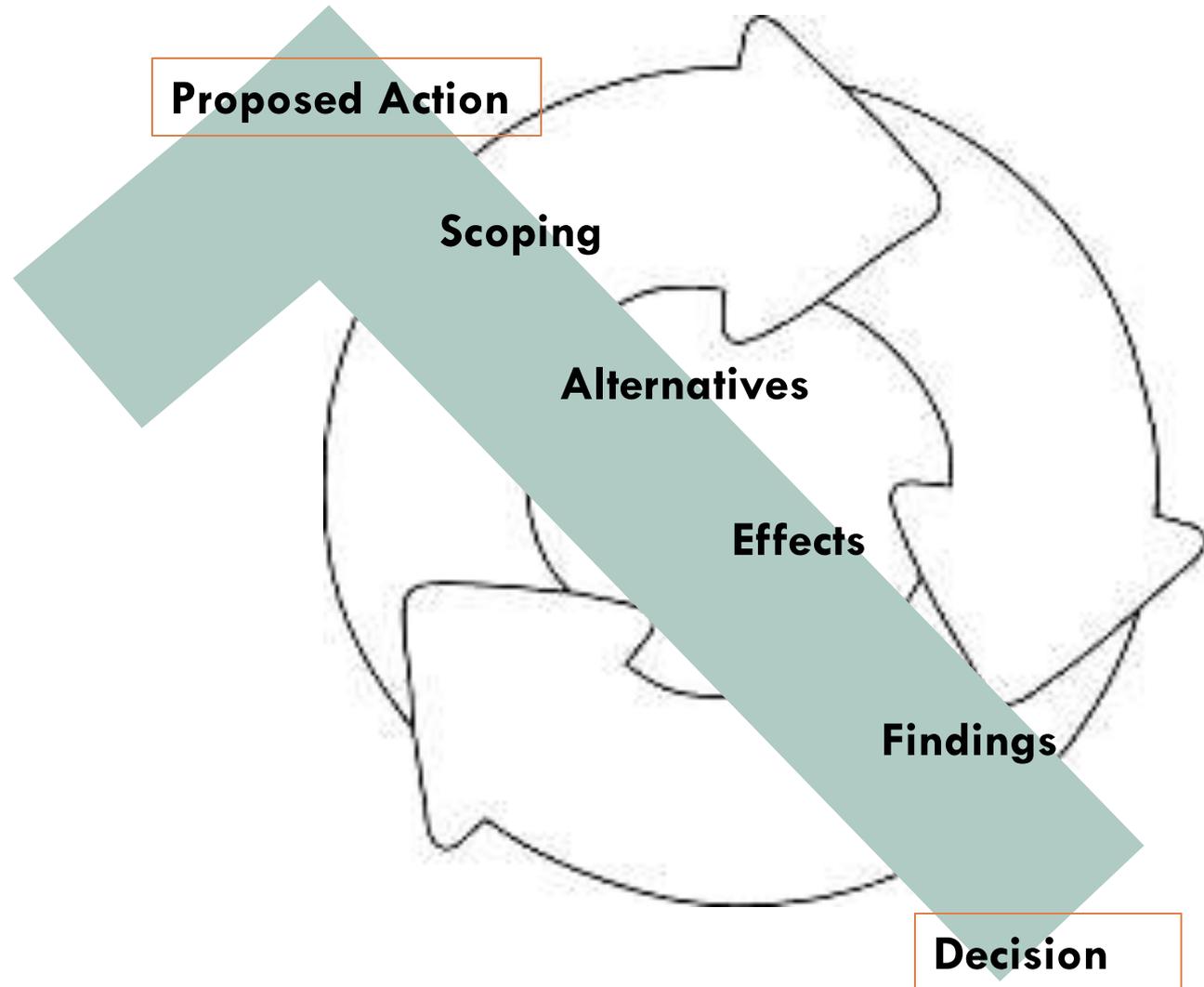
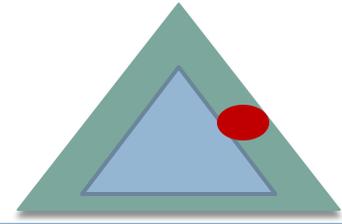
- Who does the Forest Service Scope?
 - Interested and affected parties
 - Tribal Representatives, inter-governmental
 - Other agencies
- **Example: Restoration project including thinning and prescribed burning in the Nile.**
 - **Who:**

Scoping

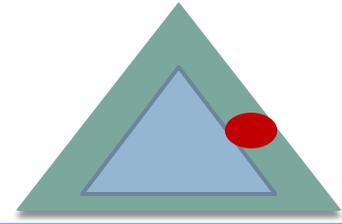


- Who does the Forest Service Scope?
 - ▣ Interested and affected parties
 - ▣ Tribal Representatives, inter-governmental
 - ▣ Other agencies
- **Example: Restoration project including thinning and prescribed burning in the Nile.**
 - ▣ **Who:** Naches Mailing List, TWIG, those who commented on other restoration projects, conservation groups, timber industry representatives, Yakima Clear Air Agency, WA DNR, WA Fish and Wildlife, NOAA Fisheries, USFWS, WA Dept. of Ecology

Environmental Analysis



Effects



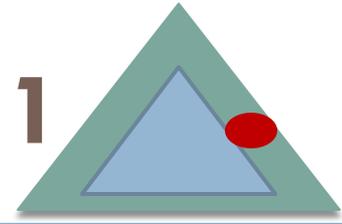
- Direct Effects
 - ▣ Effects **caused by the action** and occur at the same time and place
- Indirect Effects
 - ▣ Effects **caused by action** but may occur at a later time or farther removed in distance (still only happen if the action happens)
- Cumulative Effects
 - ▣ Incremental impacts of the proposed action when added to **past, present, and foreseeable future actions.**

#1



!Disclaimer! No bull trout were harmed in this example.

Cumulative Effects Example 1



Proposed Action: Replace damaged culvert with a larger crossing

- **Direct and Indirect Effects:** Short term increase in sedimentation during construction. Long term there will be increased fish habitat and water quality.



- **Past Actions:** The stream channel was previously channelized with rip-rip, there was a loss of the flood plain and decrease in fish habitat.

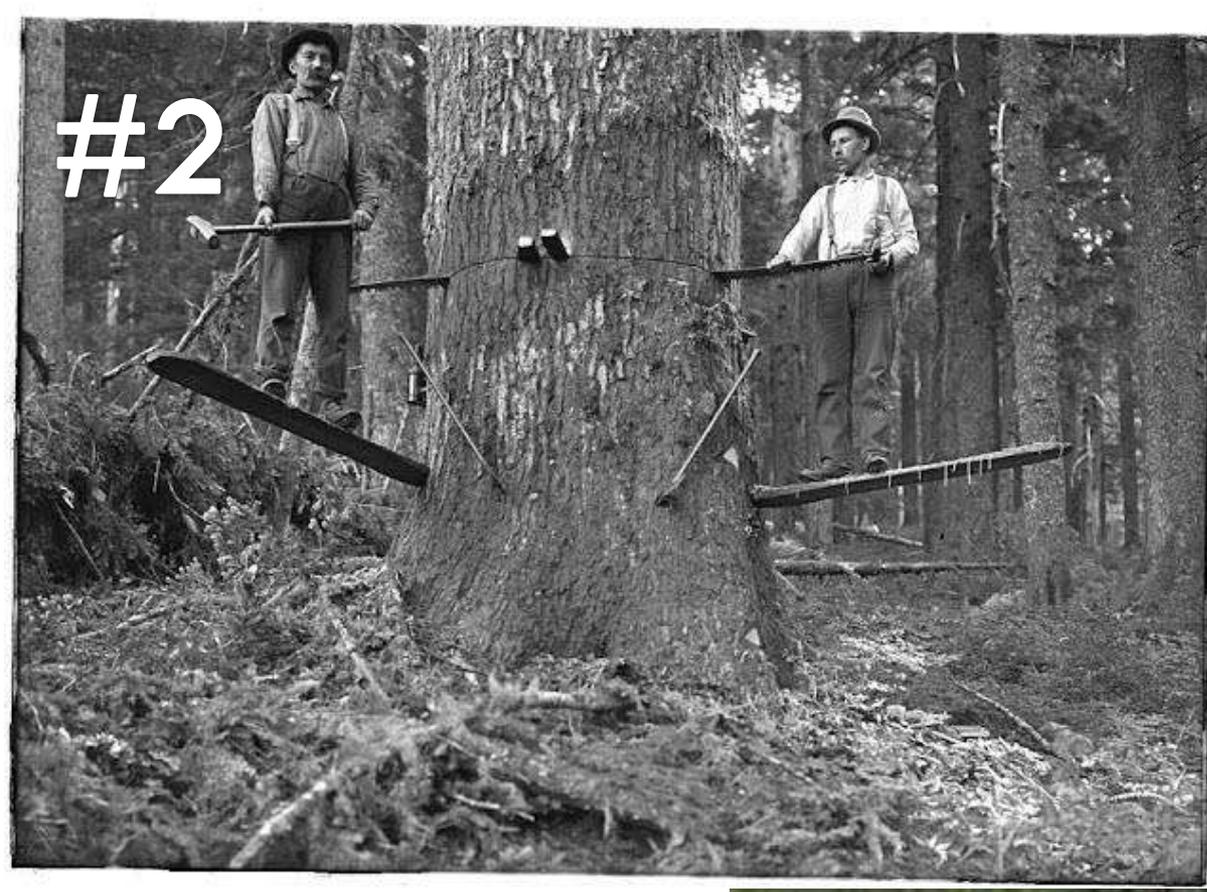


- **Future Actions:** Next fall there will be a timber sale in the same drainage. There will be short term sedimentation associated with logging and road maintenance.



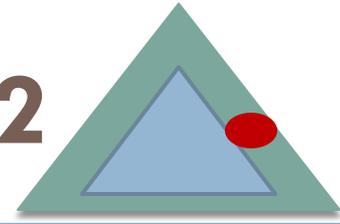
- **Cumulative Effects:** Will be short term impacts to fish habitat. Certain aquatic species may be threatened: “may affect, likely to affect bull trout”. In the future, the ecosystem will be healthier.

#2



!Disclaimer! No giant old-growth trees were harmed in this example.

Cumulative Effects Example 2



Proposed Action: Commercially log area with non-system trails and dispersed campsites

- **Direct and Indirect Effects:** Some non-system trails and dispersed campsites would be logged over and covered with slash.



- **Past Actions:** Last year a flood washed out a road near-by that lead to a popular camping area. There was a decision to close the road permanently. This cut off a significant recreational area.

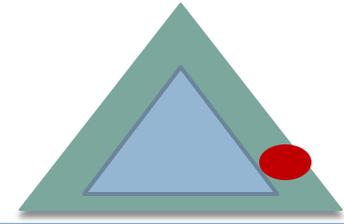


- **Future Actions:** Next summer, the near-by camp ground will be decommissioned due to aquatic impacts. No new campground is proposed. Recreationalist will look for a new place to camp.



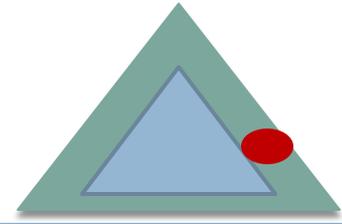
- **Cumulative Effects:** Several popular recreation areas will be lost in a close vicinity, forcing those users to over-crowd other trails and campsites in the area. Potential significant effect to recreation

What Effects Tell Us



- If we need to modify the Proposed Action
- The preferred alternative
- How alternatives differ
- Summarize impacts to landscape for:
 - ▣ The public
 - ▣ The responsible official making a decision

Official Comment Period



More work for you!

Basic Facts

- Will always be a Legal Notice
- 30 days CE, EA
- 45 days EIS
- Provides you with appeal standing
- Content of comment is more important
- (compared to scoping period)

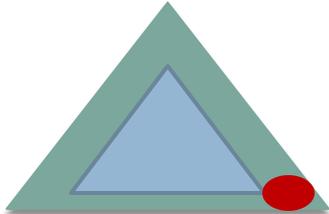
Will there be an Official Comment Period?

CE sometimes

EA ✓

EIS ✓

Decision



Laws and Regulations



Public Input



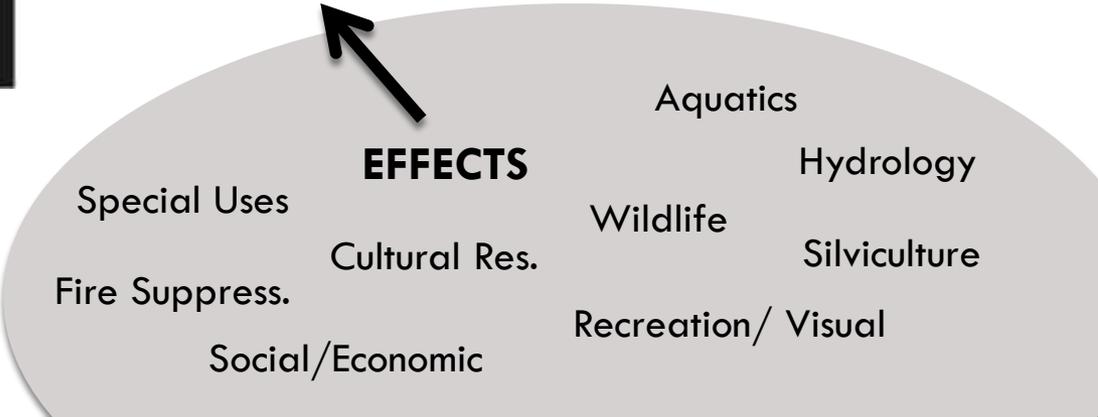
Forest Plan



Other Agencies Input
Tribal Input

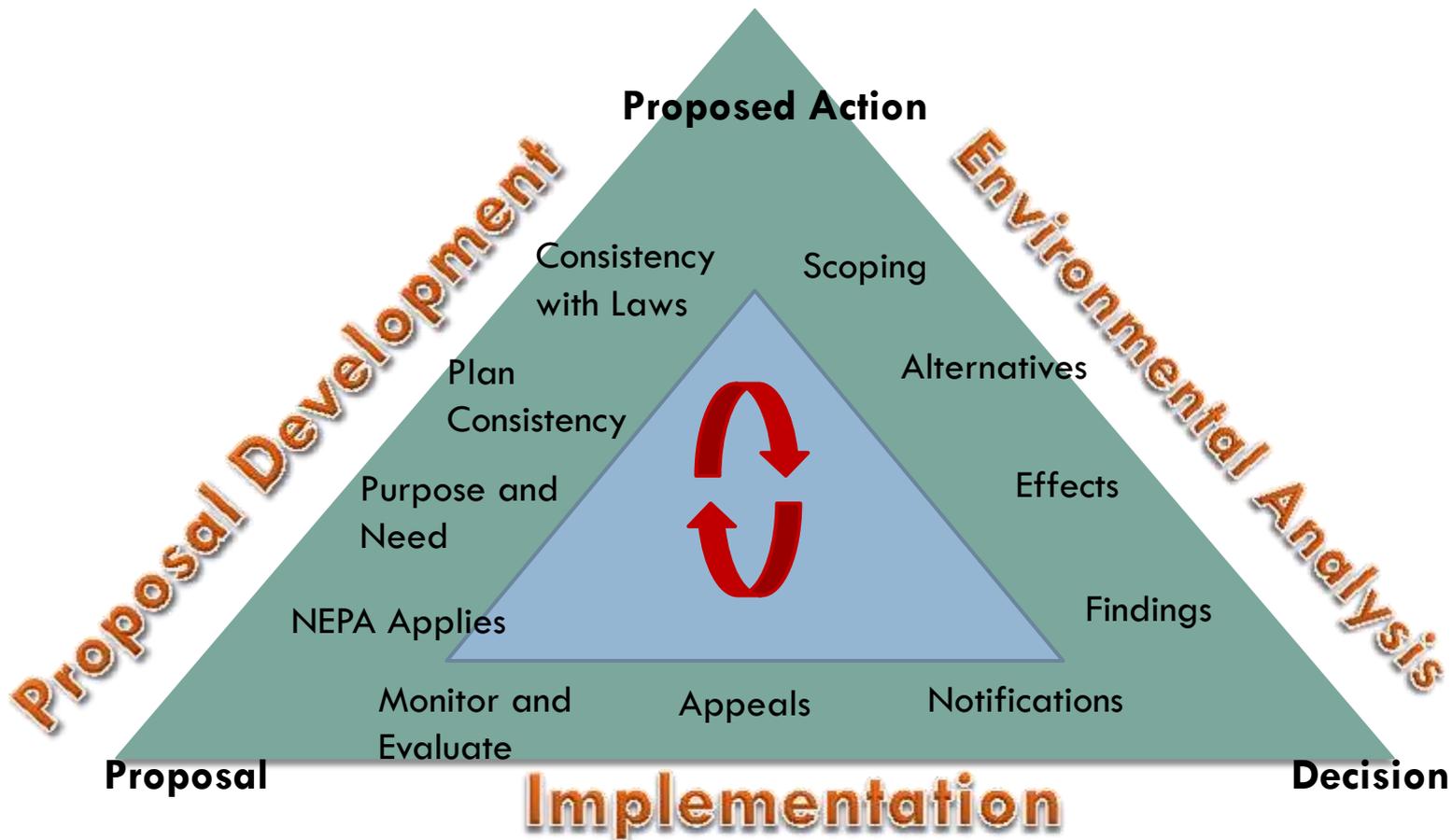


Resources and Work Plan



The NEPA Triangle

***See Attachment 2**



COMMENT WRITING

HOW TO WRITE EFFECTIVE, SUBSTANTIVE COMMENTS

2012

Naches Ranger District

Comment Writing



- ❑ All comments are not equal!
- ❑ Which is more important: quality or quantity? **BOTH!**
- ❑ Someone does read them all (me!)
- ❑ Grouped, analyzed, and reviewed
- ❑ Invaluable information, even if we disagree
- ❑ Questions welcome

General Etiquette

- 'How to get your comment thrown out* 101'
 - ▣ Yelling at public meeting or at the front desk
 - ▣ Profanity
 - ▣ Personal attacks
 - ▣ Overtly rude *EMAILS INCLUDED
 - ▣ Has nothing to do with the proposed action

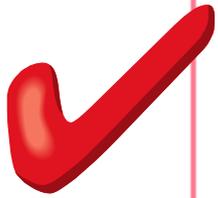


*We never throw away comments, they always become part of the record.

Four Things Every Good Comment Needs

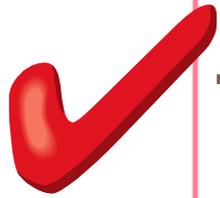
- Project Name
- Topic or aspect of Proposed Action
- Specific objection or agreement including evidence or experience
- Name and Address (mail or email)

***See Attachment 3**



Project Name

- Should be easy but sometimes forgotten
- Multiple projects in one scoping letter



Topic or aspect of Proposed Action

- Be clear which aspect of the proposed action/
project objective you are addressing
- Separate each comment by topic

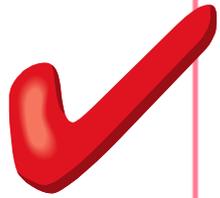
- Example: Restoration Project
 - ▣ Commercial thinning
 - ▣ Pre-commercial thinning
 - ▣ Prescribed burning
 - ▣ Road construction
 - ▣ Road decommissioning
 - ▣ Culvert replacements



Specific Objection or Agreement



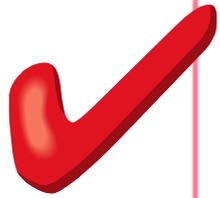
- Be specific in your objection or agreement
- Why* do you agree or disagree?
- Why* will action not meet project objectives?
- Did we overlook any effects?
- List evidence or personal experience, prove your argument is legitimate
- Be specific



Specific Objection or Agreement

OPINION ↔ **SUBSTANTIVE**

- Substantive
 - “substantial and based in fact”
 - Challenge the accuracy of information presented
 - Challenge methodology or assumptions
 - Presents new information
 - Includes rationale



Name and Address

- Full Name
- Either Email or Mail Address

- Needed to be part of the analysis file.
- Part of public record
- Can contact you if needed.





BONUS

Alternatives

- Provide us with solutions to your issue
- Provide different method of accomplishing project objectives
 - ▣ How would you solve the problem?
- An alternative helps make your comment substantive, showing you aren't just complaining

Review: Good Comments

- Project Name
- Topic or aspect of Proposed Action
- Specific objection or agreement including evidence or experience



Alternatives

- Name and Address (mail or email)

EXAMPLES

EXAMPLES

Spring Trail Closure

“Where does it stop! When the public is kept from the use of our lands completely...next it will be dust control or some other excuse for the dry months.”



EXAMPLES

Spring Trail Closure

“Keep open 100% percent of the year. I helped rebuild this trail”



EXAMPLES

Spring Trail Closure

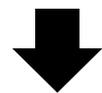
“why is it that the largest user group has the least amount of trail miles set apart for our use in the Naches Ranger district? ...many other states allow ATV’s and UTV’s to ride on public roads and Forest Service Roads”



EXAMPLES

Spring Trail Closure

“Keep the closures as a ‘as need’ basis. Each year proves to be different as winter snow and spring thaw occur...last year (2011) some trails and areas were dry as creating dust while other areas are soupy wet.... Allow the TWIG sub-committee, trail adoptees or trail coordinators either make the decision or be a part of the process”



EXAMPLES

Spring Trail Closure

“1. Most of the remaining jeep trails have been in existence for over 50 years. Is there evidence that there are changing weather patterns in the winter and spring months that has increased erosion of these trails?

2. Is there documentation that spring use of these trails has increased greatly in the past few years?”

(2 out of 10)



EXAMPLES

Spring Trail Closure

“To set exact dates does not best protect the land nor does it serve the recreational users. We ask that you not only consider enlisting our help in determining the dates by you also put a maximum of three years on the closures ending in July 2012. At that time the situation can be re-evaluated”



EXAMPLES

FSR 1700 Flood Repair

“Option A please. Need to be able to get to our Trails.”



EXAMPLES

FSR 1700 Flood Repair

“Opt. A. This will open/keep open roads and cut down or possibly eliminate bypass trails that destroy habitat.



Other tips

- Ask questions first
- Pick up the phone
- Come into the office
- Ask about other projects that are similar
- Send in a draft
- Send as many comments as you choose

Try some as a group

Project:

Topic:

Comment:

Try some as a group

Project: 1501 Little Rattlesnake

Topic:

**Comment: See road fixed, its paved, provides access to lots of places. Other roads most likely will not be paved in the near future. Capital improvement, hard to ride a bike on non-paved
If closed- should become a trail because of the unique beauty of canyon, with river crossings
Loop opportunity for nice drive.**

Separate activities- public vs. commercial uses

State land- discover pass

Please Provide Feedback

- My goal with this course is to answer these three questions:
 - ▣ Why does the Forest Services spend so much time planning?
 - ▣ How do I get involved in NEPA and why should I?
 - ▣ How can I write a substantive comment that is useful in the analysis?



**Thank you for your time.
We look forward to reading
your comments!**