



Overview of Guidance for Creating an NBRC Environmental Assessment (EA)

Purpose: This guidance is intended to assist grantees and their NEPA contractors in developing Environmental Assessments (EAs) that meet the Northern Border Regional Commission's (NBRC) standards. By adhering to this guidance and utilizing the provided resources, contractors can ensure that all critical components are included, thus facilitating a more efficient review process by NBRC's environmental contractors, The Clark Group (TCG).

Hiring a Contractor and Next Steps:

1. Hiring a NEPA-Experienced Contractor:

- Grantees should hire a contractor with experience in NEPA compliance to develop their EA. It's important to note that an Environmental Assessment (EA) for NEPA is different from a Phase 1 Environmental Site Assessment (ESA). Therefore, you must find a contractor who is specifically familiar with EAs for NEPA and not just the ESA process. This expertise is crucial to ensure that the EA meets all regulatory requirements and passes through the review process smoothly.

2. Next Steps After Securing a Contractor:

- Once the grantee has secured a contractor to develop the EA, they should promptly reach out to TCG. At that time, we will provide the NBRC EA Template, the 8-Step guidance document, and any other resources that may be helpful. This early communication is crucial for ensuring that everyone is on the same page and that the EA development process proceeds smoothly.

EA Template: NBRC requires that contractors use the NBRC EA Template when developing Environmental Assessments. This template ensures that all necessary elements of the EA are consistently included, allowing for a thorough and efficient review by TCG.

Additional Resources:

1. Section 106 Consultation:

- Section 106 Consultations are required for any project that could potentially impact cultural resources, including historic buildings, structures, or archaeological sites. This also applies to any structures that are listed or eligible for inclusion on the National Register of Historic Places. These consultations ensure compliance with the National Historic Preservation Act (NHPA) and assess potential impacts on cultural and historic resources.
- **Action:** Please share the Section 106 consultation documentation with NBRC for review and approval prior to submission to the State Historic Preservation Office (SHPO).

2. 8-Step Decision-Making Process for Floodplains and Wetlands:

- If the Proposed Action is located partially or entirely in floodplains or wetlands, the project will require completion of the 8-Step Decision-Making Process to analyze potential impacts. This process aligns with Executive Orders 11988, 13690, and 11990.
- **Public Notices:** The 8-Step process includes two required public notice periods: an Early Notice (15 days) and a Final Notice (7 days). TCG will need to review both notices before they are ready for posting, as well as the entire 8-Step document before it is finalized and incorporated into the EA.
- **Resource:** Utilize the 8-Step template and example provided to guide you through this process.

3. Section 7 Consultation:

- For projects potentially affecting endangered species or their habitats, a Section 7 Consultation must be completed as part of the EA. If a concurrence letter is required (e.g., for a "May Affect, Not Likely to

Adversely Affect" determination), please add NBRC's IPaC email address (nepa@nbrc.gov) to the IPaC project to facilitate the consultation process.

- **Action:** Incorporate this process into your EA development and ensure the Section 7 Consultation is properly documented.

Developing the EA: This higher level of oversight is designed to ensure that everyone is aligned throughout the Environmental Assessment (EA) process, leading to a smoother review with fewer required edits. We understand that every federal agency has its own NEPA process and requirements, which is why we prioritize clear communication and understanding of NBRC's specific process. TCG will work closely with your team to ensure the draft EA meets all of NBRC's compliance requirements and will determine when the document is ready to proceed to the public comment process.

1. Initial Meeting:

- Schedule an initial meeting with TCG to discuss the scope of the project and the EA process. This meeting will allow you to address any questions and ensure alignment on expectations.

2. Approval of Affected Environment (AE) Boundary:

- Before beginning Chapter 3 of the EA, submit the proposed AE boundary to TCG for approval. This step is crucial to ensure the boundary is appropriately defined to capture the full area that may be impacted by the proposed project.

3. Review of Chapters 1-3:

- Submit Chapters 1-3 of the EA to TCG for review and feedback before proceeding with Chapter 4. This iterative process helps identify and address any issues early, ensuring a smoother development of the subsequent chapters.

Public Comment Period: NBRC requires a 30-day public comment period for all draft EAs. Following the draft EA's approval, TCG will be responsible for creating the Notice of Availability (NOA) and the Finding of No Significant Impact (FONSI).

Communication and Record Keeping: If you have any questions or need to discuss the approach to any aspect of the EA, please feel free to contact TCG. Additionally, please ensure that NBRC is cc'd on all correspondence to keep them informed and to ensure that records are properly captured in their administrative record.

By following this guidance and utilizing the provided resources, contractors can ensure that their EAs meet NBRC's standards, facilitating a timely and efficient review process.