



**Northern Border  
Regional Commission**

**2024 FALL ROUND  
NEW GRANTEE TRAINING  
Session 2**

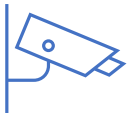
**National Environmental Policy Act (NEPA)**

**February 26, 2025**

[www.nbrc.gov](http://www.nbrc.gov)



## HOUSEKEEPING REMINDERS



We are **recording**  
**today's training**  
session.



Please keep your  
**microphone muted**  
during the training  
unless you are asking a  
question during the  
Q&A.

**Cameras are optional.**



Please use the chat  
function to share any  
**technical issues**. We will  
not be using the chat  
function for questions.



We have plenty of  
time for Question  
and Answer  
scheduled.



The detailed  
**PowerPoint will be**  
**available** to you after  
the training session  
along with all the  
resources discussed.



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Welcome – Andrea Smith

National Environmental Policy Act (NEPA) Austin Rizzo, The Clark Group (NBRC Environmental Consultant)

Final Q&A, Review of Next Sessions & Wrap-up – Andrea Smith

## **TODAY'S SESSION OVERVIEW**



## NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

### **SESSION OBJECTIVES:**

- What is NEPA?
- Overview of NEPA requirements

**Presenter: Austin Rizzo, The Clark Group (Contracted NBRC Environmental Consultant)**



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- The Clark Group – Environmental Consultants
  - Work on behalf of NBRC



THE CLARK GROUP, LLC



**LISA MAHONEY**  
President



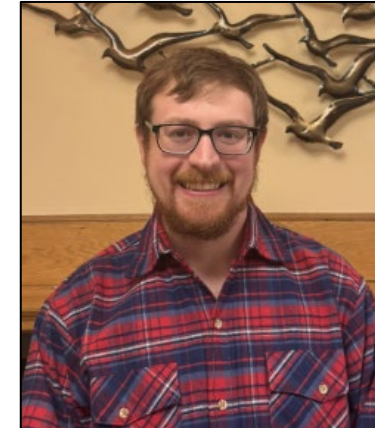
**AUSTIN RIZZO, PH.D.**  
Project Manager



**SARAH LECLAIR**  
Associate



**SHERESE MORGAN**  
Associate



**MATT SHOEN**  
Cultural Resources  
Specialist



**JESS BASS**  
Associate

- Ensure NBRC and grantees are compliant with environmental regulations
  - Primarily, the NEPA Statute
  - NEPA compliance is necessary for ALL NBRC-funded projects



## What is NEPA?

- National Environmental Policy Act (NEPA) – 1970
  - Promote the protection, preservation, and enhancement of the environment.
  - Growing concerns about the environmental impacts of large-scale development projects
- Purpose:
  - Requires federal agencies to consider the environmental impacts of their actions and decisions before they act.
- NEPA does not dictate an agency's decisions or actions.



*Look before you leap.*



## Umbrella Statute

- Other Federal Requirements

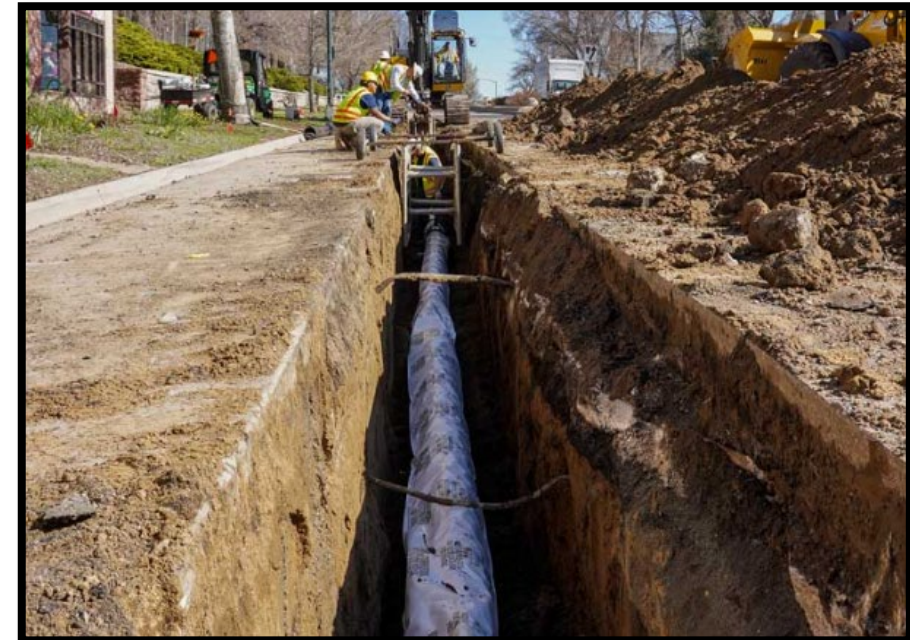
- Floodplain – 8-step required
- Wetlands – 8-step required
- Endangered Species – Section 7  
US FWS Consultation
- Cultural Resources – Section 106  
Consultation





## What triggers NEPA?

- Federal agencies must consider the potential impacts of **major federal actions** and reasonable alternatives on the human environment
- **Major Federal Actions** – Activities that are undertaken, funded, authorized, or approved by a federal agency.
- NEPA applies to NBRC-funded projects





# Impacts on the Human Environment





## **Levels of NEPA analysis**

**Level 1: Categorical Exclusion (CATEX)** The project is pre-determined by the federal agency not to have a significant impact on the human environment.

**Level 2: Environmental Assessment (EA)**: The project impact is unknown or does not have a reasonably foreseeable significant effect on the quality of the human environment.

**Level 3: Environmental Impact Statement (EIS)**: The project has a reasonably foreseeable significant effect on the quality of the human environment.



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## Understanding NEPA Implementation Across Federal Agencies

### 1. Varied Implementation:

Each federal agency implements the NEPA differently.

### 2. Agency-Specific Procedures:

Agencies are required to adhere to their own NEPA procedures and guidelines.

### 3. Example: USDA vs. NBRC:

- **USDA Experience:** A project categorized as a CATEX under USDA regulations.
- **NBRC Regulations:** The same project may not be considered a CATEX under NBRC regulations.

### 4. Takeaway:

Experience with NEPA procedures in one agency does not guarantee the same outcomes in another agency.



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## **Categorical Exclusion (CATEX)**

- Renovations/Replacement
  - Do not change the functional use of property
- Demolition
  - (non NRHP eligible structures)
- Additions
  - (on adjacent disturbed land)
- Acquisition and installation of equipment
- Small new construction projects
  - (on previously disturbed land)

## **Environmental Assessment (EA)**

- Renovations
  - (that change function use of property)
- Demolition
  - On NRHP places or eligible places
- Additions
  - (on undisturbed lands)
- Larger new construction



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## **Categorical Exclusion (CATEX)**

- Brief review
  - < 1 month to develop
- No public comment period
  - (unless another federal requirement is triggered)

## **Environmental Assessment (EA)**

- Robust review
  - 6-12 + months to develop
- 30-day public comment period



## Making the NEPA Determination for a project



- CATEX or EA**
- Additional Requirements?**
  - Section 106
  - Section 7
  - 8-Step Analysis



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- See NEPA Intake Form

## NBRC NEPA INTAKE FORM

The National Environmental Policy Act (NEPA) requires that federal agencies consider the potential environmental impacts of their actions before implementation or spending funds on the proposed action. You must complete this initial NEPA Intake Form as part of your NBRC application to provide NBRC Staff with project information relevant to the NEPA process. Please provide attachments to support the information provided on this form, as needed.

**Note:** Completion of this form does not satisfy NEPA, but it does help NBRC to determine what NEPA analysis will be required. If your project is funded, the NEPA process must be complete before NBRC will issue a Notice to Proceed.

Entity applying for funding:		
Point of contact (POC):		Date:
Project / NEPA Status Overview		
Has this project been awarded other state/federal funding? (See two rows below if anticipated) <i>If yes, please list the other federal funders here and provide agency POC contact information (include attachment if the space provided below is not sufficient):</i>		<input type="checkbox"/> Yes <input type="checkbox"/> No
Agency #1: Funding Program: POC Name: POC Email:	Agency #2: Funding Program: POC Name: POC Email:	Agency #3: Funding Program: POC Name: POC Email:
Does this project anticipate receiving other federal/state funding (but has not received confirmation yet)? <i>If yes, please list the other state/federal funders, the funding program (if known), and the anticipated date for notification of funding decision:</i>		<input type="checkbox"/> Yes <input type="checkbox"/> No
Is a NEPA process currently underway or complete for this project as required by <u>other federal funding</u> ? <i>If yes, please fill in the following information:</i> Federal Agency: POC at Agency: POC Email Address: Status of NEPA (e.g., in progress, complete):		<input type="checkbox"/> Yes <input type="checkbox"/> No



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## CATEX Determination



NBRC/TCG



The Clark Group will complete a CATEX Determination Form for the project.





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- Additional Federal Requirements



8-Step – for Floodplains & Wetlands

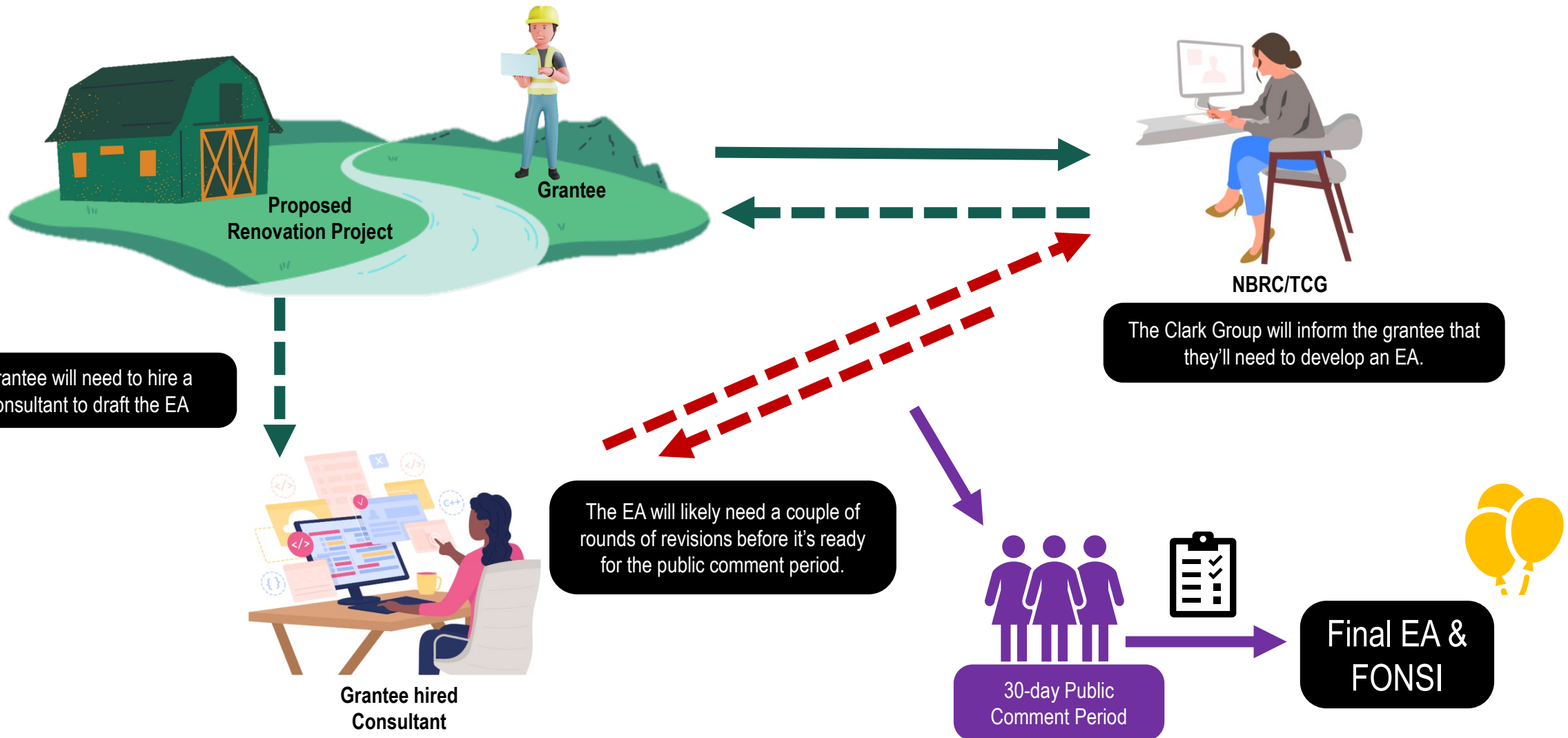


Section 106 – Historic Structures (or eligible structures)



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## EA Determination





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## The Environmental Assessment Process

### 1.) Hiring a consultant – to create *NEPA* Environmental Assessments

- ~ \$10,000-\$15,000 (based on project details)
- Work with NBRC to receive PNTP \$
- Preliminary design plans for NEPA may also require PNTP \$





## The Environmental Assessment Process

- 2.) EA Template – Utilize the provided template, which includes detailed instructions, guidance, and examples.
- 3.) EA Draft Review Process – Generally, 2-4 reviews are necessary
- Each review by TCG usually takes 1-2 weeks

**Draft** Environmental  
Assessment

Delete "Draft" prior to completing the Final EA

**Grantee Name**

**Project Name**

**Grant Program**

Award #: NBRC-**XX-XXXX**

**Month Year**

Prepared By:  
\_\_\_\_\_

1



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## The Environmental Assessment Process

4.) 30-Day Public Comment Process – Allows the public to review and provide feedback on the EA and the project.

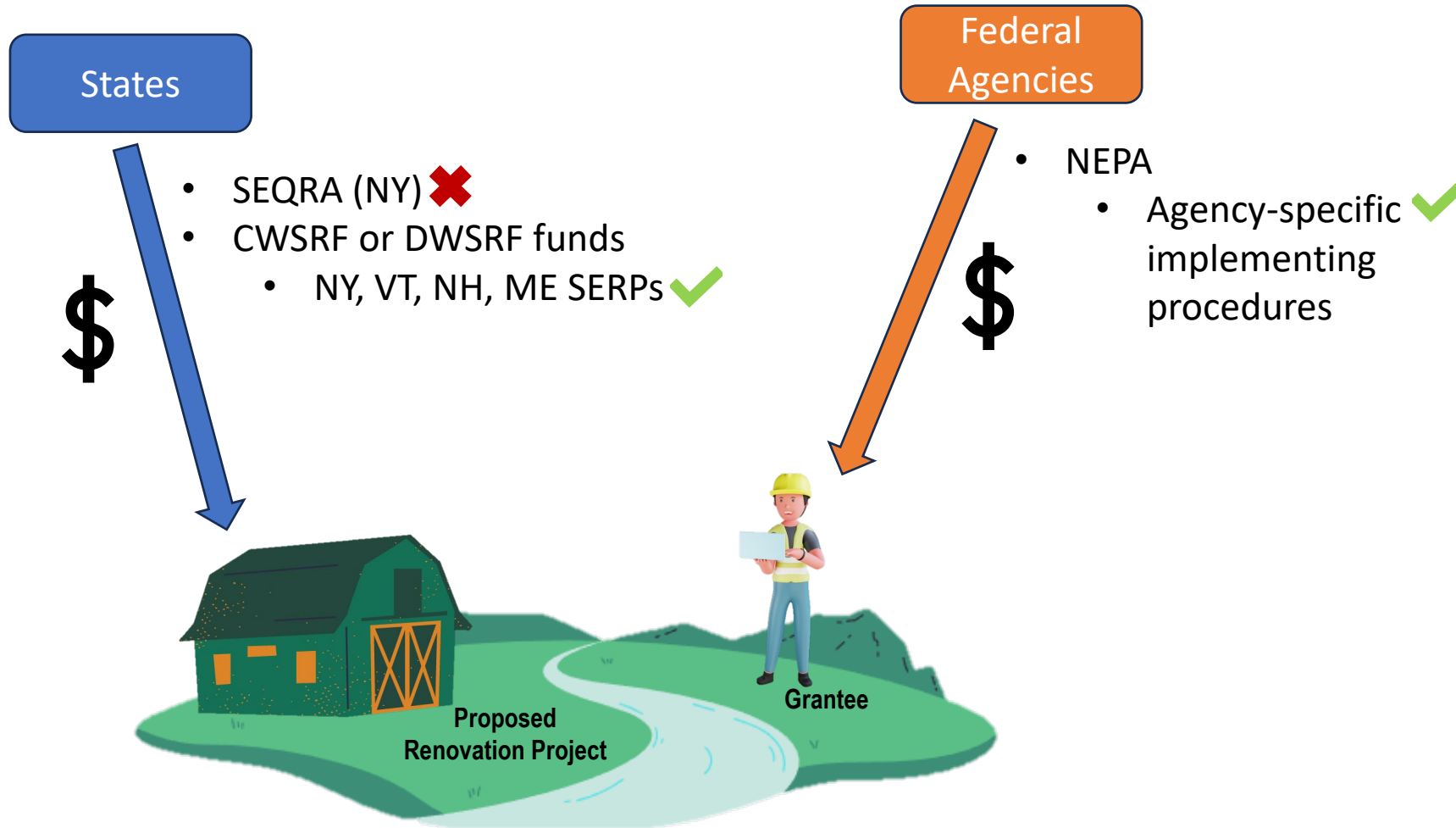
5.) Finding of No Significant Impact (FONSI) – NEPA Hold lifted – and all funds released.





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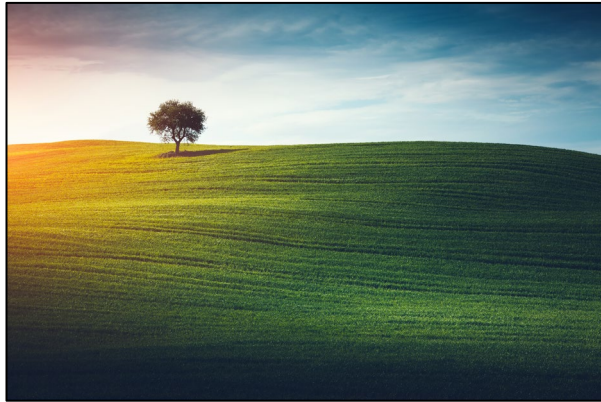
## Other Funding Agencies & NEPA-like Requirements





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- NEPA must be complete before the grantee makes an irreversible or irretrievable commitment to resources



**Land**



**Property**



**Equipment**



**Services**



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# QUESTIONS & ANSWERS





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**THANK YOU FOR YOUR TIME!**

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