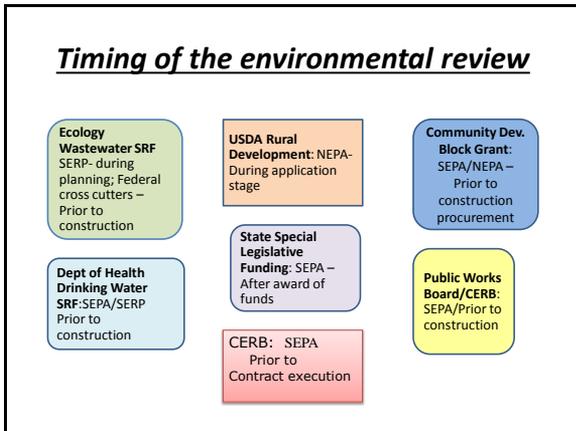
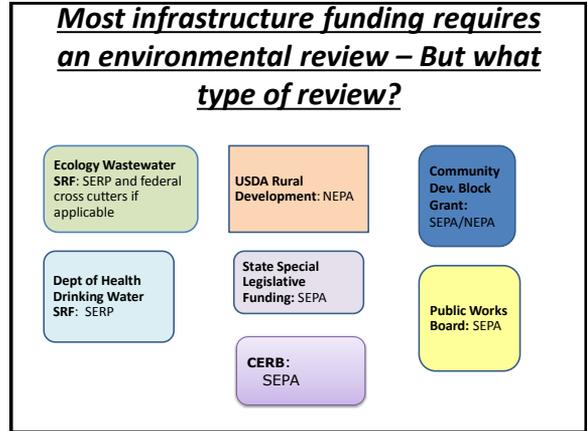


Environmental Review

A Coordinated Approach



- We have completed SEPA – does that cover the other environmental requirements?**
- NEPA /SRF have Federal Environmental Requirements. For example:
 - Section 106 consultation – DAHP
 - ESA Consultation – US Fish and Wildlife, National Marine Fisheries Service
 - Executive Order 11990 (for wetlands) - Each agency SHALL provide leadership and take action to minimize the destruction, loss or degradation of wetlands.
 - Floodplain Management – FEMA

- Other Differences**
- Some agency regulations that emphasize certain resources:
 - CDBG-HUD four additional law and authorities: Noise Abatement, Explosive & Flammables, Toxics Chemicals and Airport Clear zones.
 - CDBG and RD policies on impacting floodplains – Uses an 8-step process for wetlands/floodplains.
 - RD policies on prohibiting impacting wetlands.
 - RD policies on discussing cumulative impacts in the environmental document.
 - SRF/RD require that alternatives considered are discussed in the environmental report.

- Who takes the Lead**
- Depends on:
 - Type of funding/permits
 - Scope of the project
 - Other actions such as permits
- Discuss early with the funding agencies so they can assist in making a determination.
-

My project needs permits such as a Corp of Engineer permit – do I need the permit before the environmental review process is complete?

- Generally not, however...
 - The permit process may require an environmental review by the other agency

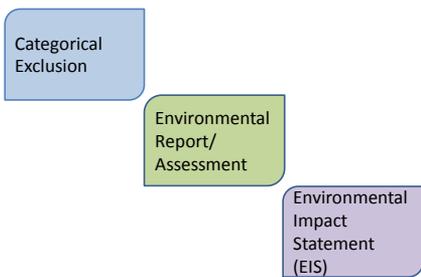
 Find out what permits may be required – inform the agencies that you would like to coordinate the environmental review.

What is an applicant to do?

- Will your project receive funding from multiple agencies?
- What funding agencies might you be applying to?
- Have you told them that you may need more than one funding agency?

 Inform the agencies that you would like to coordinate the environmental review.

CLASSES OF NEPA



Are there public participation requirements that must be completed?

There are differences in public participation

- Some require a preliminary public notice and final notice and/or FONSI
 - RD – Impacting prime forestland, farmland, wetlands, floodplains.
 - CDBG: Impacting floodplains/wetlands.
 - Clean Water/SRF Env. Rev.: SEPA documentation and a public meeting, floodplains, and wetlands.
 - SEPA: Determination of the action (Non-Significance, mitigation non-significance, significance).

 Federal agencies are allowed to be cooperative partners but must be named in the publications. Due to language requirements, may need two publications.

Floodplain

- Managed by Federal
- Emergency Management Authority (FEMA)
- If possible, avoid wetlands and floodplains unless no other alternative.
- Documented by an 8-step process under NEPA.
- Obtaining flood insurance does not satisfy requirements to consider alternatives.



Wetlands

Regulatory Policies:

- Clean Water Act
- Executive Order 11990
- Consolidated Farm and Rural Development Act (CONACT)



Executive Order 11990

- Each Agency SHALL provide leadership and take action to:
 - Minimize the destruction, loss or degradation of wetlands.
 - Preserve and enhance and beneficial values of wetlands.



In Washington State, standards for wetland delineation are in place.

Endangered Species Act/Magnuson Stevens Act

- Administered by:
 - US Fish and Wildlife Service
 - National Marine Fisheries Service



Bull trout



Columbia Basin Pygmy Rabbit

Endangered Species

- In general, funding agency must make decision on impact usually with consultation from Service agencies
- This is accomplished by agency coordinating with service agencies.
- Ecology coordinates through EPA.
- CDBG Grantee coordinates with the Service Agencies
- RD is responsible for coordinating directly.
- Other rely on the applicant to meet requirements.

Endangered Species Act

- Agencies/responsible entities try to keep the consultation in an informal consultation process unless an adverse effect.
- Can take months depending on services workload – no stated time limit on informal consultation.



Island Large Marble Butterfly

Coastal Zone Management ACT

- Washington State has a management program as required under the Act.
- Managed by Washington State Department of Ecology.
- These counties must go through a Federal consistency review



Historic Properties and Cultural Resources



Projects cannot go forward until cultural/historic properties are addressed.

Is there a difference in type of historical/cultural review?

- Some under the Governor’s Executive Order (GEO) 05-05 and others must meet the Federal Section 106 requirements.

Ecology Wastewater SRF:
Section 106 or GEO 05-05

USDA Rural Development:
Section 106

Community Dev. Block Grant:
Section 106

Dept of Health Drinking Water SRF: Section 106

State Special Legislative Funding:
GEO 05-05

Public Works Board/CERB:
GEO 05-05

Differences between Executive Order 05/05 and Section 106 requirements

Section 106:

- Federal agency (or designee) is responsible for reviewing materials submitted and consulting with Tribes and DAHP
 - Not delegated to the applicant except under CDBG.
 - Federal agency or designee makes decision and requests concurrence from DAHP.

Governor’s Executive Order 05-05:

- State Agencies are expected to take the lead under State Executive Order.
- Consultation with DAHP and Tribes may be performed by applicant if delegated by the State agency
- State agencies can accept a Section 106 review in lieu of GEO 05-05.

Lead Agency’s responsibility to Consult with:

- ✓ State Historic Preservation Officer
- ✓ Tribal Historic Preservation Officer
- ✓ Native American and Native Hawaiian Organizations
- ✓ Interested Persons & Members of the Public

How much time will the environmental review process take?

- Depends on your project.
- Depends on what resources may be affected.
 - ESA issues.
 - Historical/cultural issues.
 - Affects a waterbody/coastal area.
 - Controversial to public/group
- Could take anywhere from 30 days to 9-12 months.



Coordination can save time. Start early during the planning process!

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