A presentation slide for the USDA Rural Development program. The top left corner features the USDA logo (United States Department of Agriculture) and the text "Rural Development". The background is a photograph of a rural landscape with a yellow field in the foreground, a white water tower, and several houses under a clear blue sky. A dark teal wave-shaped graphic separates the top image from the bottom text. The text "Presented by Paul Johnson" is on the right. The main title "1970 Environmental Regulation" is centered in large white font, with the date "IACC October, 2018" below it.

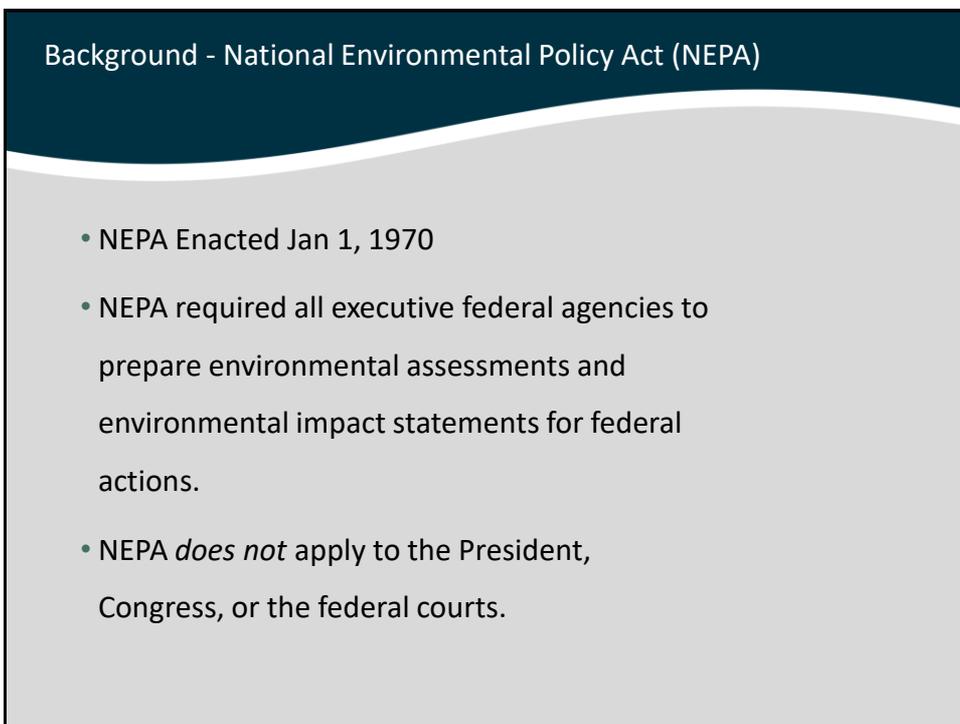
USDA United States Department of Agriculture

Rural Development

Presented by Paul Johnson

1970 Environmental Regulation

IACC October, 2018

A presentation slide titled "Background - National Environmental Policy Act (NEPA)". The title is in white text on a dark teal background. Below the title is a light gray area with a white wave-shaped graphic at the top. The content consists of three bullet points in black text.

Background - National Environmental Policy Act (NEPA)

- NEPA Enacted Jan 1, 1970
- NEPA required all executive federal agencies to prepare environmental assessments and environmental impact statements for federal actions.
- NEPA *does not* apply to the President, Congress, or the federal courts.

Why Environmental Review?

- Outgrowth of environmental awareness in the Late 60's early 70's
- Development/enforcement of new policies
and
- The federal govt. itself needed to do better in considering environmental values in its decision-making

Beyond 'Compliance'

As a federal agency we are required to comply w/laws and regulations, including environmental. *But* environmental review also:

- Better informs our decision making
- Provides opportunity for stake holder review and comment
- Assists in Project planning
- Allows consideration of competing societal values and goals

NEPA Responsibility

NEPA responsibility rests with the Federal Agency

RD environmental documents fall into three broad categories

Categories of Assessment

- Categorical Exclusion (CE) with or without a report

Environmental Assessment (EA)

Environmental Impact Statement (EIS)

Increasing Complexity →→→→

Categorical Exclusion (CE/CATEX)

Actions with minimal to no effect, individually or cumulatively; essentially no documentation required but..... Must consider “Extraordinary Circumstances”

What does **“No Documentation Required”** *really* mean?

- Applicant (you) must provide basic information about the project
- Must complete Cat Ex form RD 1970-1 (Loan Specialist NOT you)
- May be required to complete 'Section 106 Consultation with DAHP, appropriate Tribes and other interested parties (RD Staff)

Categorical Exclusion (CE/CATEX)

The Categorical Exclusion Form asks if a number of different resources are present. If *any* are present it asks if these resources will be affected by the project.

It also asks if there are any ‘extraordinary circumstances’ present.

- Important farm land,
- Environmental justice concerns
- T&E species etc.

If yes the project *may* be elevated to an Environmental Assessment or an Environmental Impact Statement.

Environmental Assessment (EA)

- “A concise public document used by the Agency to determine whether to issue a FONSI or prepare an EIS. If, at any point during the preparation of an EA, it is determined that the proposal will have a potentially significant impact on the quality of the human environment, an EIS will be prepared.”
- Unless otherwise determined by the Agency, EAs will be prepared for all “Federal actions” unless such actions are categorically excluded, or require an EIS. *(so, in between a CATEX and an EIS)*
- We recommend you hire a professional to prepare this document we offer a guide (a scope of work) for selecting a professional and a guide for preparing the document.

Environmental Assessment (EA)

- The EA must focus on resources that might be affected and any environmental issues that are of public concern.
- (a) The amount of information and level of analysis provided in the EA should be commensurate with the magnitude of the proposal’s activities and its potential to affect the quality of the human environment. At a minimum, the EA must discuss the following: ... *(almost everything!)*

Environmental Assessment (EA) ... Public notice Required

- If the Agency finds the EA acceptable, the Agency will prepare or review a “**Notice of Availability of the EA**” and direct the applicant to publish the notice in local newspapers or through other distribution methods as approved by the Agency. The notice must be published for three consecutive issues (including online) in a daily newspaper, or two consecutive weeks in a weekly newspaper. If other distribution methods are approved, the Agency will identify equivalent requirements. The public review and comment period will begin on the day of the first publication date or equivalent if other distribution methods are used. **A 14- to 30-day public review and comment period, as determined by the Agency, will be provided for all Agency EAs. (you should expect a 30 day comment period (ask me why))**

Environmental Assessment (EA)

- After reviewing and evaluating all public comments, the Agency determines whether to;
- **Modify the EA,**
- **Prepare a FONSI, or** (Finding of No significant Impact)
- **Prepare an EIS** (Environmental Impact Statement)
- If the Agency determines that a FONSI is appropriate, the Agency will prepare or review a public notice announcing the availability of the FONSI and direct the applicant to publish the public notice in a newspaper(s) of general circulation, as described in § 1970.14(d)(2). *(more public notice)*

Environmental Impact Statement (EIS)

An EIS is required, but not limited to:

- (1) Proposals for which an EA was initially prepared and that may result in significant impacts that cannot be mitigated;
- (2) Siting, construction (or expansion), and decommissioning of major treatment, storage, and disposal facilities for hazardous wastes.
- (3) Proposals that change/convert the land use of an area greater than 640 contiguous acres;
- (4) New electric generating facilities, other than gas-fired prime movers or renewable systems (solar, wind, geothermal), with a rating greater than 50 average MW, and all new associated electric transmission facilities... (*and more*)

Time and Timing ... What can slow you up?

- SEPA: If your project requires a SEPA review, get that done and share a copy with us as soon as you can.
- NHPA Section 106 consultation: this usually means a 30 day comment period.
- A certificate of consistency with Washington's Coastal Zone Management program (CZM)

**(CZM compliance only applies to projects in the following counties: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum and Whatcom counties.)*

Time and Timing ... What can slow you up?

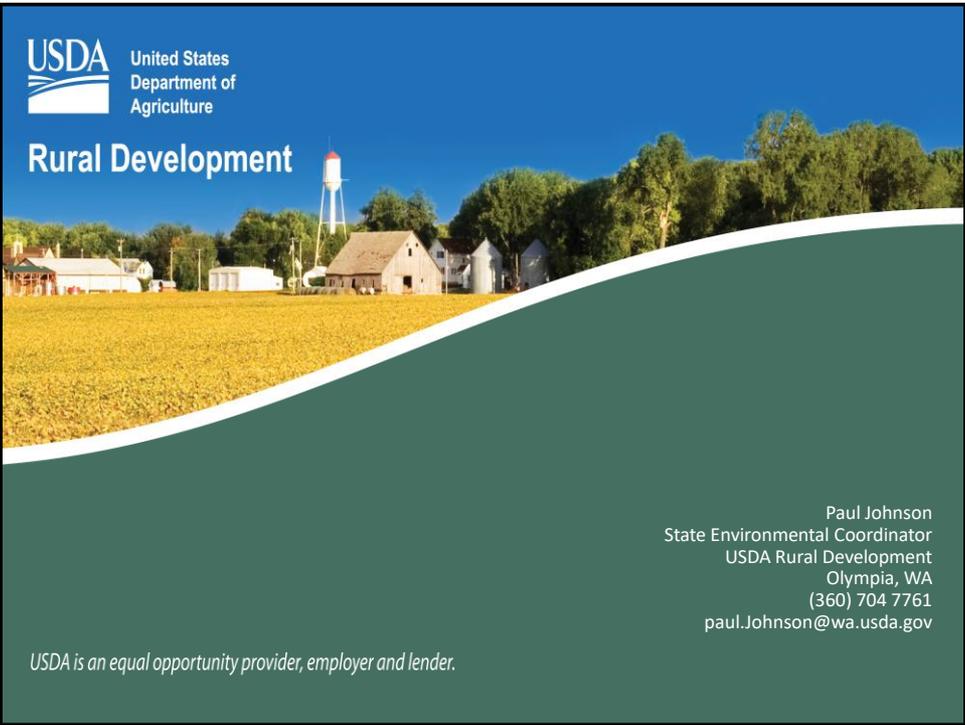
- A DETAILED project description is needed (EARLY ON)
 - A map, legal description, address etc. of the project location
 - Pictures of the site or project
- Lack of communication with your loan specialist
- Public involvement
- Determination/disclosure if other federal agencies have done/are doing NEPA on the same action
- Start Early – the environmental assessment document must be complete and accepted *BEFORE* the agency will obligate funding

Time and Timing ... What can slow you up?

- Work closely with your loan specialist – remember, your success is our success so we WANT you to be successful
- Your loan specialist and I will help get this document completed
- I will work directly with you or your consultant to get it right the first time if necessary
- Timing may impact us - we will likely be faster with your project in the first half of the year (October – March) vs the second half (April – Sept.) anyone care to guess why?

Environmental Compliance - USDA-RD Funded Projects

ANY QUESTIONS?



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Rural Development

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