



Day 2 – Living in the House that MEPA Built

Session I - Writing an EA

Presented by:

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Purpose of this session

- ❖ To touch upon elements previously covered from day one
- ❖ Provide tools and identify potholes
- ❖ Discuss how to put an effective EA together



Helpful Tools

❖ Administrative Rules for MEPA

- ❖ FWP – ARM 12.2.401 through 454
- ❖ MDT – ARM 12.2.210 through 261
- ❖ DEQ – ARM 17.4.601 through 636
- ❖ DNRC – ARM 36.2.501 through 543

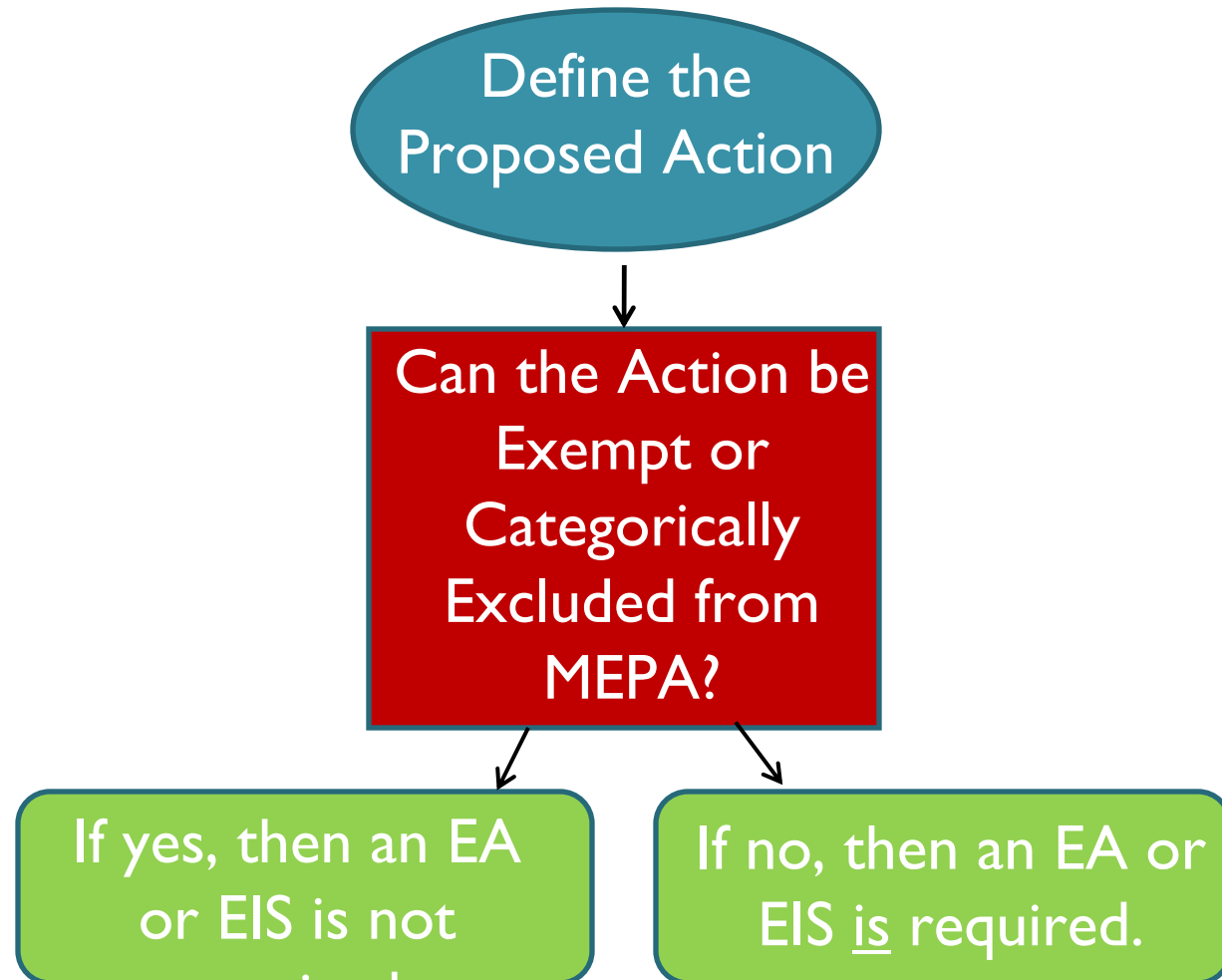
❖ Other Administrative Rules and Policies Specific to Your Department

❖ A Guide to MEPA (LEPO/EQC)

❖ Other EAs and Handbooks

❖ ID Teams and MEPA Coordinators

The Basics





How is an EA different than an EIS?



How is an EA different than an EIS?

- ❖ ***Substantively, they differ –***

- ❖ EIS's acknowledge potential significant impacts of the proposed action. EIS analysis is usually more in depth than an EA analysis. There are also specific procedural requirements when completing an EIS.

- ❖ ***Structurally, they do not differ much–***

- ❖ The preparation of EA's and EIS's is nearly identical.



Critical Components of an EA

- Purpose (i.e. proposed action)
- Benefits and objectives of the proposed action
- Alternatives, including no action alternative
- Impacts and mitigation
- Public Involvement



Components Continued

- Overlapping jurisdiction
- Contacted and contributing agencies or groups
- Name the preparer
- Include a statement why or why not an EIS is required
- Agency Authority
- Other Relevant EISs, EAs, Plans



Decision Notice vs. Record of Decision


A Decision Notice is used when to complete the decision making process for an EA.

A Record of Decision is required for an EIS.

Justification for decision should use the significance criteria for guidance.



Using a Checklist EA vs. a Lengthy Analysis



Using a Checklist EA vs. a Lengthy Analysis

Checklist format should be used for
Department actions with:

- Only limited (minor) resource impacts;
- No public controversy anticipated.

FWP Example

<u>CULTURAL/ HISTORICAL RESOURCES</u>	IMPACT *					Comment Index
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	
a. Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?						
b. Physical change that would affect unique cultural values?						
c. Effects on existing religious or sacred uses of a site or area?						

DNRC Example

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	
Proposed Implementation Date:	
Proponent:	
Location:	
County:	

I. TYPE AND PURPOSE OF ACTION

Type Response Here

II. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

Provide a brief chronology of the scoping and ongoing involvement for this project. List number of individuals contacted, number of responses received, and newspapers in which notices were placed and for how long. Briefly summarize issues received from the public.

Type Response Here

2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

Examples: cost-share agreement with U.S. Forest Service, 124 Permit, 3A Authorization, Air Quality Major Open Burning Permit.

Type Response Here

3. ALTERNATIVE DEVELOPMENT:

Describe alternatives considered and, if applicable, provide brief description of how the alternatives were developed. List alternatives that were considered but eliminated from further analysis and why.

Type Response Here

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" if no impacts are identified or the resource is not present.*



Checklist vs. Lengthy Analysis continued



Checklist vs. Lengthy Analysis continued

A lengthy analysis or narrative format should be used for Department actions that will:

- Generate public controversy; and/or
- Have potentially significant impacts that can be mitigated below the level of significance.



Typical Layout of Narrative Format

Chapter 1.0: Purpose of and Need for Action

Chapter 2.0: Alternatives Including the Proposed Action

Chapter 3.0: Affected Environment

Chapter 4.0: Environmental Consequences

Chapter 5.0: Identification, Rationale, and Recommendation
for Preferred Project Alternative

Chapter 6.0: Public Participation and Collaborators

Chapter 7.0: Determination If an Environmental Impact
Statement is Required

Chapter 8.0: EA Preparer(s)



Checklist vs. Lengthy Analysis continued

An EIS should be developed when:

For new or unusual Department actions that are anticipated to:

- Have significant impacts that cannot be mitigated;
- Generated public controversy;
- Set a precedent; and/or
- Be in conflict with local, state, or federal laws, or formal plans.

This format would need to meet all statutory requirements of Administrative Rules.



Clear Writing Tips

- ✓ Use a consistent format (headings, subheadings, etc.)
- ✓ Move key information up and to the left
- ✓ Keep sentences and paragraphs short
- ✓ Repeat key words or concepts
- ✓ Choose simple, conversational language
- ✓ Use graphics, maps, or charts



Presenting Your Proposed Action

Making it:

Clear and Concise

Use bullets to identify multiple components

Keep this section to **ONLY** a description of the action, not a dialog of specifics



Rewritten:

Security on board commercial aircraft (pre-9/11) did not anticipate violence, much less suicide. The pre-9/11 FAA-approved “Common Strategy” for flight crews and associated training materials relied on these principles:

- The crew should accommodate hijacker demands and get the plane safely landed.
- The longer a hijacking goes on, the more likely it will end peacefully.
- Hijackers were only interested in their own demands, especially asylum or a release of prisoners.
- The military or law enforcement would ultimately handle the situation (once the plane was safe on the ground).



Illuminating the Alternatives

Don't forget to include the No Action Alternative, which can mean either:

- Status quo would be maintained, or
- The project would not happen at all.

Do not use the “Chicken Little” rationale to justify an alternative.



Tips to Presenting Environmental Consequences

When there are many alternatives and predicted impacts/mitigations are numerous, use a summary chart to show side-by-side comparisons.



Strengthening Credibility

Balance in an EA is provided through the presentation of all relevant resource information, choice of understandable measurement indicators, and identification of data gaps and uncertainties.

Fairness begins with good scoping and public involvement of those likely to be opposed and supportive of the proposed project.

Citing technical and scientific information can add credibility.



Best Management Practices

- When to do a joint agency analysis
- Benefits of:
 - Providing a public comment period
 - Doing an internal review
 - Involving other state agencies in the scoping process



Bits & Pieces

- ◆ Use *would* instead of *will*. *Would* = certain
- ◆ Limit the use of the word “Significant” unless you’ve defined it
- ◆ When scheduling a timeline, if you have a firm deadline to complete the EA process, work backwards to set process goals.
- ◆ Amending EAs



Got More Questions....

Agency MEPA Practitioners:

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Barry Brosten, Thomas Gocksch,
Susan Kilcrease, Eric Thunstrom, and
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