

Preparing an EIS that meets both MEPA & NEPA

MEPA training
Montana Legislative Services Division
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DNRC

Work together to *design* the EIS

- Both agencies – Design your outline together
- Bring your agency's specific needs & wants to the design discussions
- Tweak the outline as you go

It's not so much about the *outline* of the EIS

- Purpose & Need
- Alternatives
- Affected Environment
- Environmental Consequences

It's more about the *content*, the material within the outline

- Are the Purpose and Needs for both agencies the same or different?
- What are the relevant laws, rules, or regulations with which each agency must comply?
- Does either agency have specific analyses they need to include?
- What about permits or consultations?

The Montana Forested Trust Lands Habitat Conservation Plan & EIS

- State trust lands – 5.1 mm acres
- Forested trust lands – 727,000 acres
- Forest management program harvests 53.2 mm bf per year
- We often manage in the habitats of ESA-listed species

The Montana Forested Trust Lands Habitat Conservation Plan & EIS

- State is applying to USFWS for a permit under the ESA
- An incidental take permit under Section 10
- HCP – plan for how the State will conduct forest management in the habitats of T&E species
- A state programmatic plan for T&E (MEPA)
- A federal decision to issue the permit (NEPA)

The Montana Forested Trust Lands Habitat Conservation Plan & EIS

- Our EIS has two distinct Purpose and Needs

DNRC - long term regulatory certainty under ESA

USFWS – respond to and process the permit application

The Montana Forested Trust Lands Habitat Conservation Plan & EIS

- The agencies have two separate lists of laws that apply

Read from EIS

The Montana Forested Trust Lands Habitat Conservation Plan & EIS

- The agencies have distinct analyses that they needed to include

DNRC – sustainable yield calculation
size class, age class, cover types

USFWS – bear management units
bull trout and lynx critical habitat
Native American cultural impacts
Climate Change

The Montana Forested Trust Lands Habitat Conservation Plan & EIS

- The ROD's will be separate and distinct from one another

Different decision makers with different
Decisions to be made

“Look before you leap” The two agencies are looking at the project from their own perspectives, some different and some similar.

Public Participation

- Design the process to meet the needs & wants of both agencies

Meetings, open houses, websites, fliers, email notifications

The Open House as one tool – Hans Bleiker video

Technical writing

- Jud Monroe – San Anselmo CA

Plain and Simple Document Writing