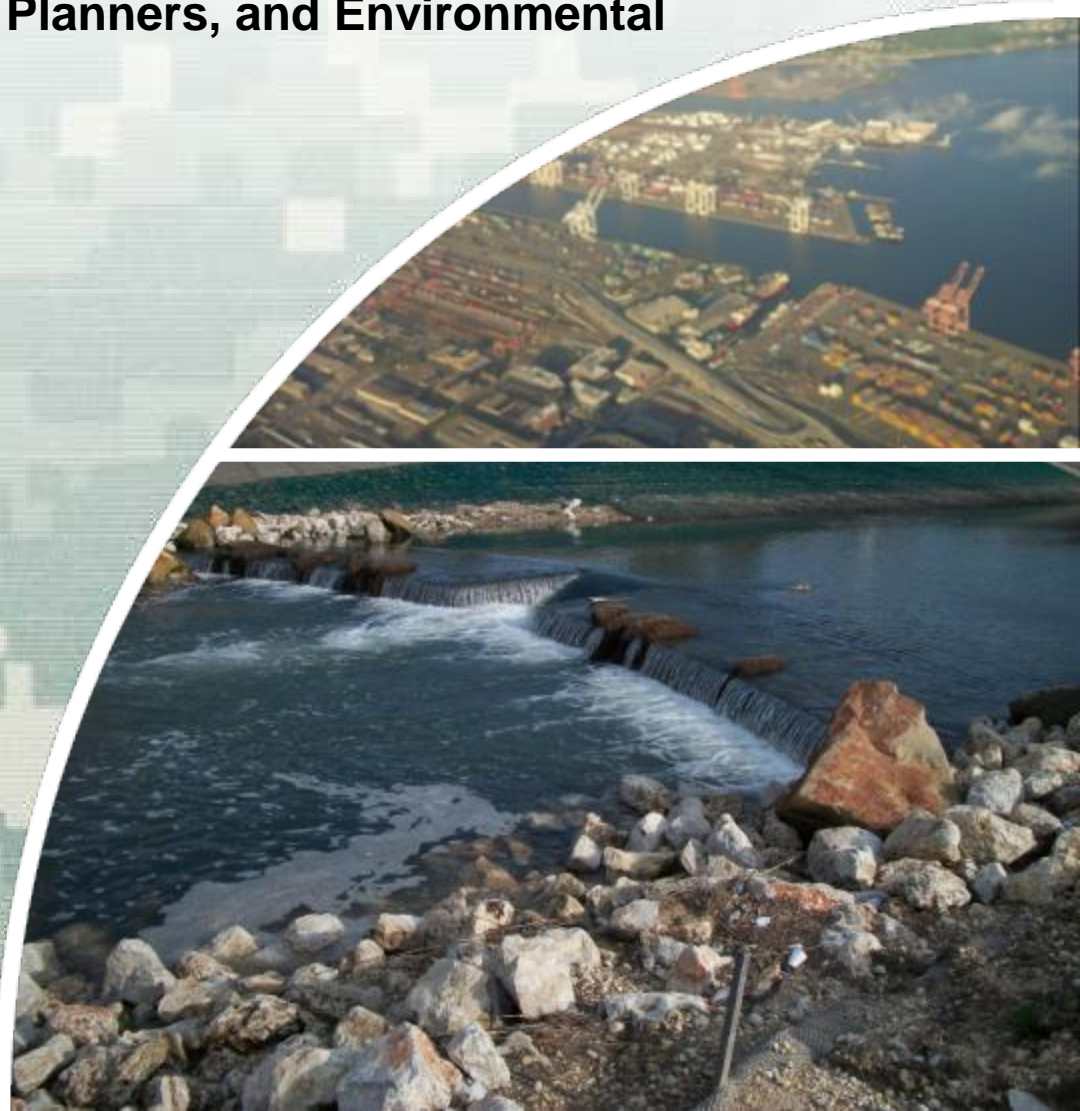


# Environmental Evaluation & Compliance in SMART Planning

A common understanding for PMs, Planners, and Environmental team members

Rebecca Weiss, Evie Haberer,  
Cindy Upah & Steve Fischer

March 19, 2015



# Preview



- ▶ Common Misconceptions, SMART Planning Truths
- ▶ Environmental Evaluations and Compliance in SMART Planning
- ▶ Integration of Formulation and Environmental Considerations
- ▶ Next Steps
- ▶ Questions



Antelope Jackrabbit  
Sonora Desert Museum



# Misconceptions & Truths



## Common Misconceptions:

- ❌ SMART Planning means to provide "less level of detail".
- ❌ SMART Planning allows teams to "move analysis and project compliance out until PED".
- ❌ SMART Planning means you can't get new data, based on time and budget limitations.

No No No No



# Misconceptions & Truths

## SMART Planning Truths:

- ✓ SMART Planning is not about eliminating or providing a less detailed assessment, it is about scoping to the criteria needed to make an informed decision. It is a deliberate, focused selection of criteria to compare alternatives and quantify differences, including the differences in impacts to environmental resources.
- ✓ Using your criteria, you will get the data you need to make supportable decisions and demonstrate environmental compliance. In usual cases, this will be complete by the TSP.
- ✓ SMART Planning does not eliminate data collection; it refocuses collection to decision criteria, gathered before the next decision is made that would use it.



# Questions to Consider

- What tasks and products should be done, at what detail, at each planning milestone to meet environmental requirements in a feasibility study?
- What is the right scope of analysis at the TSP? ADM?
- How much environmental inventory is needed? When?
- Is there a relationship to the type of study (FRM, ER, Nav, etc) and the level of environmental info needed?
- When should data be collected to address mitigation? At what level of detail?





# Questions to Consider (cont.)

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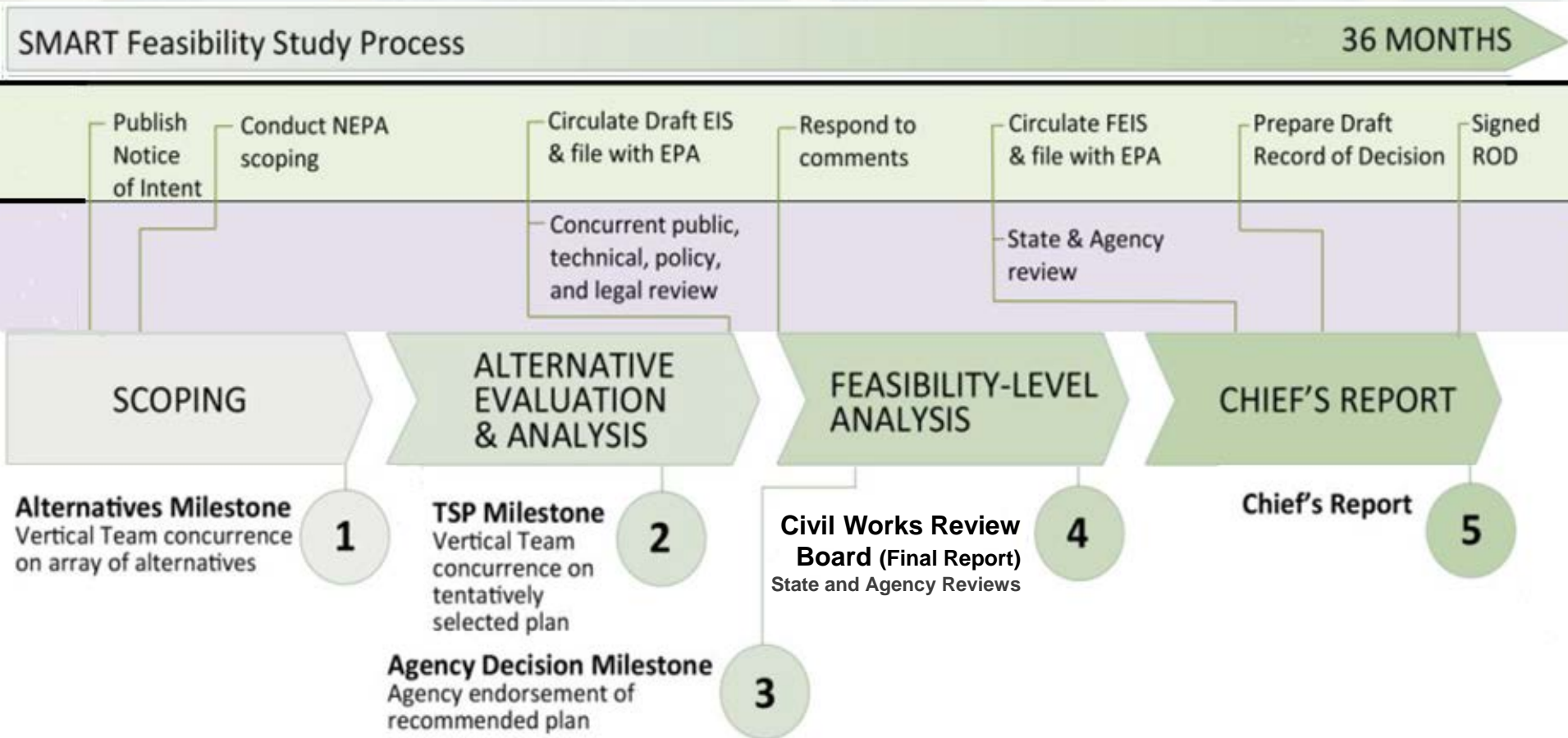
- When do I run the ecological model and conduct CE/ICA?
- When should the Monitoring and Adaptive Management Plan be developed?
- How are tasks for environmental compliance captured in the Risk Register?
- When should Resource Agencies be engaged? Public?
- Who prepares the SOW/PMP? Risk Registers?
- Are Integrated Reports necessary?



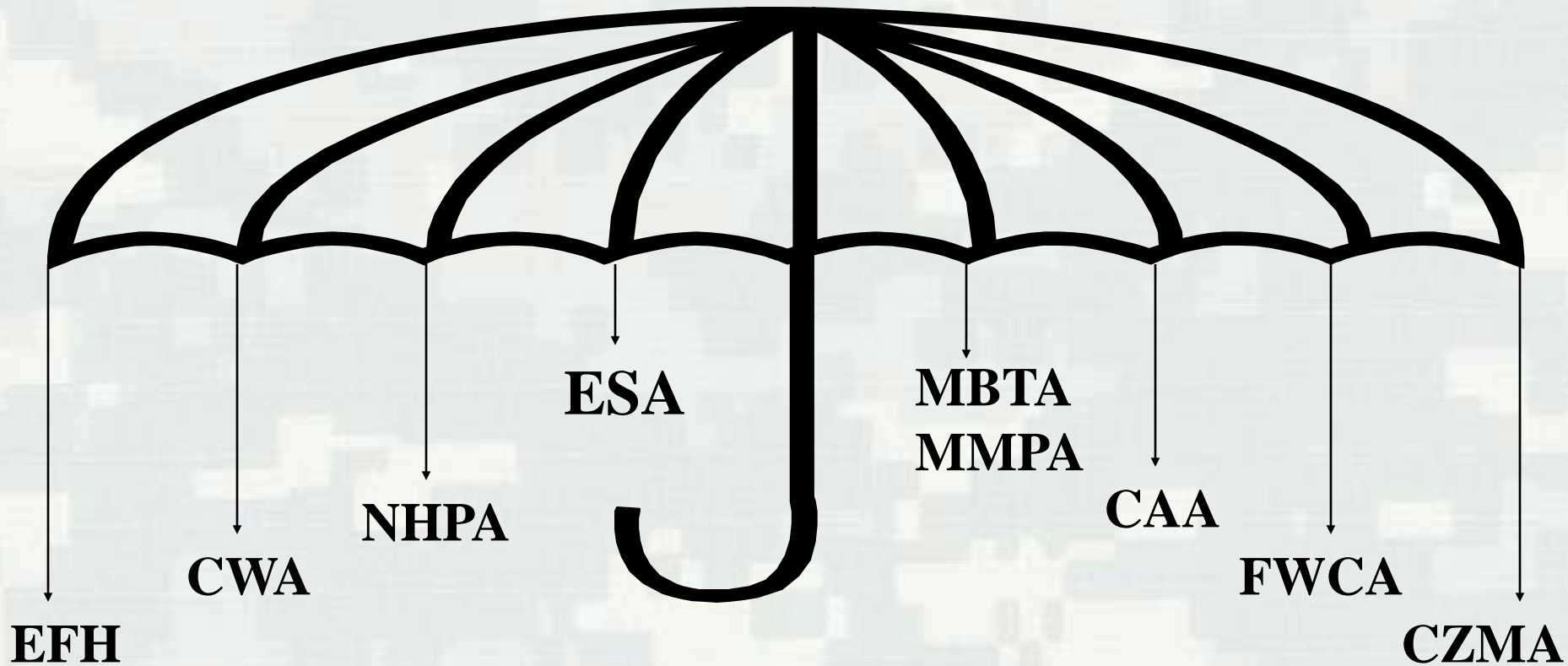
# Environmental Compliance in Smart Planning



**SMART Planning Feasibility Study process and principles are consistent with the spirit of NEPA and CEQ's direction on NEPA implementation.**



# National Environmental Policy Act

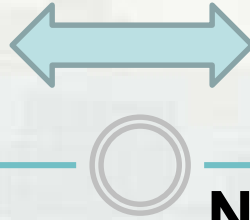


Relationship to other Environmental Laws





# Formulation Tasks



# NEPA Tasks

## Plan Formulation

- ▶ Scope for project
- ▶ Specify Problems and Opportunities, Purpose & Need
- ▶ Inventory and Forecast Conditions (Future Without)
- ▶ Formulate alternative plans
- ▶ Evaluate effects of alternative plans
- ▶ Compare alternative plans
- ▶ Select a Tentative Selected Plan

Put out for Public Review

## NEPA Compliance

- Scope for NEPA
- Describe Purpose and Need
- Describe Existing Conditions, trends, No Action alternative
- Include reasonable range of alternatives that address purpose and need
- Evaluate effects to resources
- Compare alternatives to No Action, ID the Environmental Alternative
- Identify the Agency Preferred Plan
- Put out for Public Review



# SMART PLANNING MILESTONES

- ❖ Alternatives Milestone (AM)
- ❖ Tentatively Selected Plan (TSP)
- ❖ Agency Decision (ADM)
- ❖ Civil Works Review Board (CWRB)
- ❖ Chief's Report (CRM)

\* The following slides identify tasks and products to be completed prior to, and facilitated getting to, the identified milestones.



# From Study Launch to Alternatives Milestone (AM)

**GOAL: The development of preliminary alternatives and screening criteria, initiating agency and stakeholder engagement, and preparing Review Plan for products.**

**Planning fundamentals are key.**

- Document what you do!

**Alternative Development includes:**

- Scoping, ID Problems and Opportunities;
- Purpose & Need of the proposed action;
- Developing decision criteria;
- Screening alternatives & conducting impact analysis.



*This leads to a reasonable range of alternatives.*



# Study Launch to AM

## Environmental Tasks

- Scoping - Integrate NEPA scoping meeting with Plan formulation – ID issues, environmental resources, public & agency input (Federal Register Noticing).
- Initiate coordination of efforts for ESA & 106 w/ Agencies & Tribes (request T&E lists, ID known/surveyed cultural or historic locations)
- Invite Cooperating Agencies, negotiate MOU;
- FWCA – Negotiate SOW & MIPR funds;
- Models – ID preferred model and develop model RP;
  - ER projects should seek certification as early as practical;
- Available info to inform scope of work – determine info that exists vs. inventory need;
- Compile Public / Agency / Tribal concerns, ID significant resources to consider;
- Develop Environmental screening criteria to differentiate between preliminary alternatives impacts;
- Risk Register – populate and ID issues, adequately describe impact of decisions.

# Study Launch to AM (cont.)

## Environmental Products / Tools

- Inform Risk Register, DMP, Report Synopsis.
- General documentation of scoping results.
- Consultation and coordination initiation letters.
- FWCA SOW/MIPR.
- Review Plan (RP) for Model certification.
- RP for Feasibility Report – ID models and environmental reviewers needed.
- Environmental Screening Criteria.
- Environmental SOW and PMP integration.





# Getting to the Tentatively Selected Plan (TSP)

**GOAL – Narrow scope of array of alternatives to a TSP using selected criteria, including environmental analysis as factor in formulation, and mitigation measures identified for each alternatives.**

## **Planning fundamentals are *still key!***

- Document what you do!
- Alternative screening – be clear in your criteria and when alternatives were screened out.
- Evaluation / Comparison – be clear in criteria used to assess and compare alternatives.

## **Input from Resource Agencies:**

- FWCA Planning Aid Letter/draft FWCAR
- ESA technical assistance



**All this leads to a Tentatively Selected Plan.**



# AM to Tentatively Selected Plan (TSP)

## Environmental Tasks

- Integrate draft affected environment / baseline into report (NEPA).
- Receive FWS draft CAR; integrate into draft report.
- Address FWS recommendations identified in draft CAR.
- Alternatives - Evaluation and Comparison:
  - Describe environmental impacts per alternative;
  - Include mitigation per alternative.
- Environmental Modeling and CE/ICA analysis:
  - Ecosystem Restoration: Model certified at AM; Collect data, run model; Conduct CE/ICA analysis to determine TSP.
  - For Mitigation: if mitigation measures are a cost or decision driver used in plan selection, have/use certified model; collect data, run model, conduct CE/ICA analysis;
  - All other mitigation—include estimated preliminary costs with mitigation measures; model certification by ADM; modeling & CE/ICA analysis are needed for Final Report.



# Getting to TSP - continued

## Environmental Tasks (continued)

- Prepare 404(b)1 analysis (circulate with draft report).
- Prepare Draft Monitoring and Adaptive Management Plan. Detailed plan includes ‘triggers’ and success criteria.
  - A critical component of in ER projects, details presented at TSP.
  - Mitigation monitoring plans can be more general in draft report.
- Prepare draft BA(s), if needed. Concurrent release with report.
- EFH / Magnuson-Stevens determinations, consultation document.
- Cultural Resources review; SHPO/THPO concurrence on APE.
- Analysis for Prime and Unique Farmland, Wild and Scenic River, Migratory Bird analysis, etc.
- HTRW Phase 1 analysis, if needed.
- Risk Register – review/update prior risks, ID new risks/tasks.



# Getting to TSP - continued

## Environmental Products / Tools

- Risk Register Input.
- Integrated Report, including 404(b)1 analysis, compliance section, with ID of any resource issues and necessary permits, consultation status.
- Biological Assessment(s), if required.
- Draft Monitoring and Adaptive Management Plan.
- Model run, analysis: feed into CE/ICA (as applicable).
- Prepare mailing lists of agencies, interested parties, neighbors, stakeholder, etc, for draft report release.



# Getting to the Agency Decision Milestone (ADM)

**GOALS – The Draft Report has been released after the TSP. Continue to work with agencies on consultations, incorporate public, tribe, and agency comments, identify any significant concerns or issues.**

## **Study Products/Actions**

- Draft Integrated report is released.
- Consultation/coordination is ongoing.
- Teams are preparing responses to ATR/MSC/OWPR review comments.
- Teams are responding to public and agency comments and refining report as necessary.



**Document your decisions; Update risk register and decision log.**





# Getting to the ADM

## Environmental Tasks

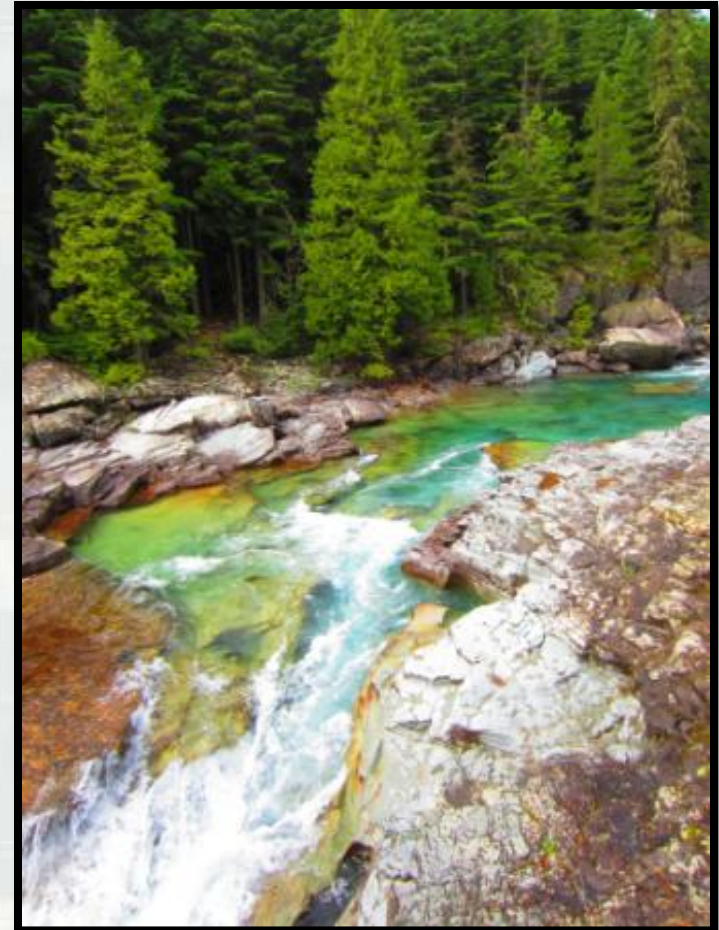
- Risk Register – review prior entrees; update risks.
- Release of Draft Integrated Report, with draft FONSI (if EA).
  - File Draft with EPA, Notice of Availability in FR.
  - Hold any public meetings needed to solicit public comments.
- Respond to ATR/MSO/OWPR comments.
- Identify relevant Public/Agency/Tribe Comments and develop strategy to resolve/address.
- Address outstanding policy / technical issues – IEPR.
- Conduct Phase II HTRW, as needed.
- Conduct cultural resources field investigations (as needed, risk based)
- Certify Mitigation model (if not completed yet).
- Release of BA(s) to USFWS and NMFS. Consultations or coordination continues (if required).
  - NMFS/FWS Response to BA (non/concurrence – 30 days).
  - Request and Negotiate draft BiOp (45 day window).
  - ESA Formal consultation begins, if required (90 days to receive draft).



# Getting to the ADM (cont.)

## Environmental Products

- Receive draft final FWCAR.
- Draft responses to comments.
- Phase II HTRW report (if required).
- Begin revisions to report per comments.
- Final resolution of outstanding issues from Risk Register.
- Model Certification for Mitigation (if not previously required).



McDonald Creek, Glacier  
National Park



# Civil Works Review Board (CWRB) Milestone

**GOAL: Complete the Final Report and compliance requirements.**

## Study Products/Actions

- Complete Feasibility-Level Analysis.
- Initiate Feasibility level design on TSP.
- Develop the detail needed on the recommended plan for the Final EA/EIS, including environmental impacts mitigation.
- Complete detailed Monitoring and Adaptive Management plan.
- Final ATR review of new technical products.



Marmot – Glacier National Park



# Preparation for the CWRB Milestone

## Environmental Tasks

- Final revisions of report based on comments.
- Final FWCAR incorporated and responded to in the report.
- Update compliance sections of report.
- NEPA comment/response complete.
- Data collection and model run for mitigation on selected plan:
  - quantified with certified model,
  - checked for CE/ICA.
- Complete Monitoring & Adaptive Management Plan.
- Update unsigned FONSI, or if EIS, prepare draft ROD (for HQ, not public release).





# Preparation for the CWRB Milestone (cont.)

## Environmental Products

- Final Report
- ROD / FONSI
- Receive Final Biological Opinion (prior to submittal of final report pkg to HQUSACE)
- Mitigation and AM Plan
- Received Permits (CWA, etc)
- Final NHPA concurrence/MOA



Hopi Mask





# CWRB to Chief's Report Milestone

## Environmental Tasks

- For document including an EIS, prepare Notice for Federal Register per HQ guidance (if district will release).
- Release report for State & Agency review.
- Release Final (File Final with EPA-NOA noted below).
- Draft ROD Completion (EIS only):
  - Include response to substantive comments;
  - Update any commitments.
- DE response to significant comments (if applicable)

## PRODUCTS

- NOA
- ROD
- FONSI prepped for DE signature (unsigned until after ASA(CW) review)
- Letters from DE (if needed)



# Summary of Environmental Compliance Integration



The NEPA process should be **integrated** into formulation, **consistent with**:

- Planning Guidance Notebook
  - ER 200-2-2: Procedures for Implementing NEPA
  - 40 CFR part 1500.2(c)
  - CEQ memos on modernizing NEPA
- ESA/FWCA/CWA Compliance **is required to be integrated** into planning and in NEPA documentation.



# Recap



- Who prepares SOW/PMP/Risk Registers?

Develop the SOW/PMP early with your interdisciplinary team. The SOW/PMP and ongoing risk register updates are thoughtful interdisciplinary team efforts. Identifying risks drive the efforts to collect information needed to make the next decision.

- When should we engage public? Agencies?

Early engagement with resource agencies is expected! Invite agencies to team meetings, official project kick off, scoping, charrettes, and formulation meetings. Hold NEPA Scoping meetings or solicit public input as soon as practicable. Engage and solicit comments from public, agencies and Tribes throughout process. Recognize their input and products are PART OF our document.



# Recap (cont.)

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- What level of detail is needed at each planning milestone?

Enough to distinguish or justify the decision in front of the team with focus on those resources/criteria that drive the decision, and those that are regulated by policy or law.

- What is the scope for the TSP?

The expectations at the TSP is to have a detailed (by relevant, measurable criteria) evaluation to justify the TSP, a description of the mitigation components, a basic monitoring plan, and environmental compliance status. Team would have the inventory of resources & analyses complete for those resources that are decision drivers (affect plan selection) or compliance orientated.



# Recap (cont.)

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- **What is the scope for the ADM?**

The expectations for the ADM is to further refine the TSP through initiation of feasibility level designs to address high risk items in risk register, present agency and public comments, and respond to policy and technical review comments from the ATR, IEPR, and OWPR review teams.

Post -ADM will focus on the feasibility level design of the endorsed TSP (or LPP), detailed modeling and cost assessment of mitigation component, developing a monitoring plan, and finalizing any compliance documents .





# Recap (cont.)

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- What level of environmental information is needed ?

When resources are driving a decision, such as with Ecosystem Restoration projects, more information to quantify benefits is required. The calculation of environmental benefits are the decision driver. Significant impacts from other types of projects require more information to define mitigation and mitigative measures and costs. A thorough inventory would be needed of relevant resources (criteria driving benefit or mitigation calculation) for the TSP decision.



# Recap (cont.)

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- What level of detail is needed when environmental compliance or impacts are not a decision driver?

Recognize differences between draft and final reports.

A Draft report will need an evaluation of effects to resources and discussion of mitigation, including characterization of impacts being mitigated and range of measures.

Mitigation will need to be quantified using a certified model and CE/ICA analysis for the final report. Detailed inventory of resources are for compliance for those laws that require mitigation planning. Other impacted resources that do not require mitigation should be qualitatively discussed.



# Recap (cont.)



- How much data should I be collecting to address mitigation needs?  
When do I run the model and conduct CE/ICA?

When mitigation is similar in scale and alternative impacts are similar, a general discussion of the type of mitigation and range of costs is appropriate for the TSP milestone/draft report. Otherwise, the ecological model, with associated certification, data collections, costs, and CE/ICA analysis would be expected to be a part of the TSP as it could drive plan selection.

- When should the monitoring and Adaptive Management Plan be complete?

A detailed Monitoring and Adaptive Management Plan should be prepared for the draft report in any ecosystem restoration project. Other projects should have a general plan in the draft with specifics incorporated into the final report.



# Recap (cont.)

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- Do I need to prepare an integrated report?

Yes! Integrated reports are the standard. They are also a tool to help keep projects concise and within the physical limitations (3 inch binder) of SMART Planning guidance. Additionally, environmental regulations require integration with our planning process and documentation within our reports.



# Next Steps



Fish Ladder – Bonneville Dam





# Questions?



Florida panthers – Caloosahatchee Region

