

# FACA Workgroup

## Legal Requirements for Evaluation and Review of Project Impacts

### September 21, 2021

- National Environmental Policy Act (NEPA)
- National Historic Preservation Act (Section 106 Consultations)
- Coastal Zone Consistency Act (Consistency Determination)
- Endangered Species Act (Section 7 Consultation)
- Magnuson-Stevens Fishery Conservation and Management Act (Essential Fish Habitat)
- Executive Order 11988 Floodplain Management (Floodplain Statement of Finding)
- Executive Order 11990 Protection of Wetlands (Wetland Statement of Finding)
- Permits

# Identifying Environmental Issues

Issues can be problems, concerns, conflicts, obstacles, or benefits that would result if the proposed action or alternatives are implemented.

Issues are retained for consideration and discussed in detail if:

- the environmental impacts associated with the issue are central to the proposal or of critical importance;
- a detailed analysis of environmental impacts related to the issue is necessary to make a reasoned choice between alternatives;
- the environmental impacts associated with the issue are a big point of contention among the public or other agencies; or
- there are potentially significant impacts to resources associated with the issue

# Overview of Impact Analysis

An impact analysis predicts impacts that can be reasonably expected to occur based on scientific studies, knowledge of resources, and input from subject matter experts.

- 1. A factual description of direct and indirect impacts (both adverse and beneficial)
- 2. A cumulative impact analysis
- 3. A discussion of the importance of the impacts

# Factual Description of Direct & Indirect Impacts

- What will happen on the ground as a result of implementing the actions under each alternative (e.g., sedimentation changes, habitat changes, specific resource damages, changes in use pattern, etc.)?
- • How many or how much will be impacted (e.g., all visitors, number of acres or miles, certain habitat, etc.) ?
- If equipment or tools are used, how long will they be used for and what are their impacts?
- How will the resource look or function after the action is implemented (e.g., fewer individuals of a species, more habitat will be available, visual intrusion, etc.)?
- If mitigation is applied, how would that change the outcome (e.g., species restored over time, archeological information preserved,

# Cumulative Impact Analysis

- Actions that are taken by the NPS and by other agencies, organizations, or private landowners;
- Actions not included in your proposed action or alternatives that are having or will have impacts on the same resources that are likely to be affected by your proposed action and alternatives; and
- Actions that may have taken place in the past, are occurring in the present or are reasonably foreseeable and likely to occur.

# Discussion of the Importance of Impacts

- Context -setting, situation, or circumstances surrounding a particular resource
- Intensity - severity or magnitude of an impact
- Significance - comparing the impacts of the proposed action and alternatives under consideration to the current condition of the resources



# Night Skies

[Best Practices - Night Skies \(U.S. National Park Service\) \(nps.gov\)](#)

Incorporating best practices into project design to eliminate or minimize night sky impacts

- Light only where and when needed
- Shield lights, direct downward, and use less light
- Use light with warm colors
- Use less light and energy efficient lamps and fixtures



# Environmental Justice

## “COMMUNITY GUIDE TO ENVIRONMENTAL JUSTICE AND NEPA METHODS”

- Will minority populations, low-income populations, or Indian tribes incur disproportionately high and adverse human health or environmental effects;
- Recognize interrelated cultural, social, occupational, historical, or economic factors that may amplify the natural and physical environmental effects of the proposed action;
- Develop public participation and community representation strategies that are inclusive and overcome linguistic, cultural, institutional, geographic, and other barriers to meaningful participation;





# Transportation/Access

- Identify resources that could be impacted
- Identify relationship of issue to the resource
- Quantify impact
- Analyze impact