

WORKING WITH REGULATIONS TO IMPROVE COLLABORATION



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LEGAL STRUCTURE OF FEDERAL LAND MANAGEMENT

Laws (Congress)

Regulations or Rules (Executive)

Manuals (Executive)

Handbooks (Executive)

REGULATIONS AND COLLABORATION

National Environmental Policy Act

Endangered Species Act

National Historic Preservation Act

Federal Advisory Committee Act

Clean Water Act

Clean Air Act

National Forest Management Act

Federal Lands Planning and Management Act

NATIONAL ENVIRONMENTAL POLICY ACT AND COLLABORATION

What's Good?

Provides for

Public notification

Public participation

THIS IS HUGE!

NATIONAL ENVIRONMENTAL POLICY ACT AND COLLABORATION

What Needs Work?

Alternatives:

Polarizing

Time

Money

ITERATIVE NEPA AND COLLABORATION

What's Iterative NEPA in Regulation?

From 36 CFR 220.5

- May modify proposed action before DEIS
- Incremental changes as alternatives considered
- Shall document incremental changes

ITERATIVE NEPA AND

COLLABORATION

What's Iterative NEPA in Reality?

Forest Service can work quickly with collaborative groups to continually improve its proposed actions and alternatives

WHY SHOULD YOU CARE ABOUT ITERATIVE NEPA?

- **Efficiency**
 - Devote your time and energy to improving proposed action rather than on unimplementable polarizing alternatives
 - Agency resources can support collaboration rather than analysis of unimplementable alternatives
- **Effectiveness**
 - Fast, documented feedback from agencies

WHY SHOULD YOU CARE ABOUT ITERATIVE NEPA?

- Transparency
 - Iterative improvements limit last minute surprises in decisions
- Collaborativeness
 - Working with agencies, local/state govt, other interest groups throughout the process increases potential for consensus

ANY ITERATIVE NEPA PITFALLS?

- Lack of awareness
 - Use is not widespread
- Resistance to Change
 - Fear of litigation
- FACA
 - Applies to all collaborative efforts
- Limits on Iterative Changes
 - Cannot preclude meaningful opportunity to comment

WHAT IF I WANT TO TRY ITERATIVE NEPA?

- Contact:

- Local District Ranger/line officer
- Project Team Leader
- NEPA Coordinator
- David Loomis
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