NEPA

National Environmental Policy Act

LESSONS LEARNED

U.S. DEPARTMENT OF ENERGY QUARTERLY REPORT

March 1, 2013; Issue No. 74 First Quarter FY 2013

Sharing DOE's NEPA Success Stories

A primary purpose of DOE's *Lessons Learned Quarterly Report* (*LLQR*), which chronicles the Department's NEPA activities, is to disseminate successful approaches for NEPA compliance. *LLQR* provides a platform for NEPA Document Managers and other preparers of an environmental impact statement (EIS) or environmental assessment (EA) to evaluate their experience and share lessons learned within the DOE NEPA Community.

The NEPA process was instrumental in determining viable transmission line routes and design. It was also vital for informing the public and getting support from numerous agencies and tribes.

— Questionnaire Respondent

Information is solicited through a Lessons Learned Questionnaire. Members of the document preparation team for each completed EIS and EA are asked to rate the effectiveness of the NEPA process in terms of protection of the environment and influence on decisionmaking, and describe whether and how the NEPA review enhanced agency planning and resulted in better environmental outcomes. *LLQR* also includes articles that examine more closely lessons learned from DOE's implementation of NEPA.

Qualitative Evaluation of the NEPA Process

During the past 2 years, 94 percent of questionnaire respondents rated the NEPA process as "effective." Excerpts from questionnaire responses from 2011–2012,

(continued on page 3)

Integrating NEPA and Project Planning Works

The Department of Energy (DOE) requirement to prepare a NEPA Annual Planning Summary (DOE Order 451.1B, *NEPA Compliance Program*, 4.d) encourages NEPA and project management staff to come together to identify future NEPA reviews, and to track the cost and schedule of planned and ongoing NEPA reviews. The Annual Planning Summary helps DOE managers ensure the availability of resources needed to complete NEPA reviews in support of mission objectives.

Secretary of Energy Steven Chu, in his June 12, 2012, memorandum on integrating NEPA compliance with project planning, emphasized that "timely attention to NEPA compliance is critical to accomplishing our missions." Preparation of an Annual Planning Summary by each program and field office, with senior management involvement, is intended to ensure that NEPA activities are aligned with program priorities.

DOE's NEPA Compliance Officers (NCOs) typically lead the preparation of their office's Annual Planning Summary. The Bonneville Power Administration (BPA) approach, described below, exemplifies successful NEPA planning based on extensive collaboration between NEPA compliance and project management staff. Other NCOs offered their recommendations (also below) on approaches to preparing the Annual Planning Summary.

Planning Is an Ongoing Process

BPA's NCOs, Kathy Pierce and Stacy Mason, report that BPA actively tracks ongoing and upcoming projects in a number of ways throughout the year. BPA's Annual Planning Summary is a snapshot of those year-round tracking processes.

(continued on page 4)

Inside *Lessons Learned*

Welcome to the 74th quarterly report on lessons learned in the NEPA process. In this issue, we highlight the many benefits of NEPA to DOE, including improved planning, and better public involvement and environmental protection. Thank you for your continued support of the Lessons Learned program. As always, we welcome your suggestions for improvement.

Carol Borgstrom
Director
Office of NEPA Policy and Compliance

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Be Part of Lessons Learned

We Welcome Your Contributions to *LLQR*

Send suggestions, comments, and draft articles – especially case studies on successful NEPA practices – by May 1, 2013, to Yardena Mansoor at yardena.mansoor@hq.doe.gov.

Quarterly Questionnaires Due May 1, 2013

For NEPA documents completed January 1–March 31, 2013, NEPA Document Managers and NEPA Compliance Officers should submit a Lessons Learned Questionnaire as soon as possible after document completion but not later than May 1. Other document preparation team members are encouraged to submit a questionnaire, too. Contact Vivian Bowie at vivian.bowie@hq.doe.gov for more information.

LLQR Online

All issues of *LLQR* and the Lessons Learned Questionnaire are available on the DOE NEPA Website at energy.gov/nepa under Guidance & Requirements, then Lessons Learned. The electronic version of *LLQR* includes links to most of the documents referenced herein. To be notified via email when a new issue of *LLQR* is available, send your email address to yardena.mansoor@hq.doe.gov. (DOE provides paper copies only on request.)

Earth Day, Every Day! Changing Behavior To Reduce DOE's Carbon Footprint

Forrestal April 22 – 25; Germantown April 29 – May 2

Emphasizing the theme of *Changing Behavior to Reduce DOE's Carbon Footprint*, DOE will celebrate the 43rd Earth Day with two weeks of special exhibits, sponsored by DOE Program Offices and green exhibitors, at the Forrestal and Germantown facilities. Exhibits will showcase environmental and green energy activities. Information about the event will be featured on Powerpedia and the Office of Health, Safety and Security website, under Events.

EARTH DAY
U.S. DEPARTMENT OF ENERGY
Changing Behavior to Reduce DOE's Carbon Footprint

Conflict Resolution Institute To Hold Collaboration in NEPA Workshop

NEPA-related training is offered by the U.S. Institute for Environmental Conflict Resolution, an agency established by Congress in 1998 to help resolve environmental disputes that involve the federal government by providing mediation, training, and related services.

U.S. Institute for Environmental Conflict Resolution
Udall Foundation

In the Institute's Collaboration in NEPA workshop (April 9-10, 2013; Phoenix, Arizona), federal agency NEPA practitioners and representatives of tribal, state, and local governments and nongovernmental stakeholders will practice skills for building collaboration practices into the NEPA process. Information on this and the Institute's other open-enrollment courses on environmental collaboration and facilitation is available on the Institute's website. The Institute also offers customized courses and a certificate program in environmental collaboration.

NEPA Success Stories

(continued from page 1)

as reported in *LLQR*, illustrate the range of benefits from DOE's NEPA processes. These include:

Informed Decisionmaking

- The EA process allowed decisionmakers to make an informed decision regarding the proposed action. They understood the need for the proposed action, the positive impacts of the proposed action as well as the negative impacts, and recognized the steps taken to minimize potential impacts to human health and the environment.
- Feedback from cooperating and other agencies definitely facilitated informed decisionmaking.
- The EA process aided considerably, not just in the analysis of potential impacts, but also as an educational tool for decisionmakers to learn about and understand the project itself and the technologies involved.
- At first, the NEPA process was thought of as just another hoop, but it was realized later that NEPA was a valuable tool for refining the site selections and for the permitting process.
- Clarifying that environmental concerns were protected had a positive effect on the project moving forward.

Environmental Benefits

- The environment was largely protected as a result of this EA process, which facilitated effective siting of the proposed project as well as helped select measures to reduce potential impacts.
- The NEPA process helped identify impacts on existing populations of federally-listed threatened and endangered species. With the construction of the proposed project, a federally-listed species will benefit.
- The NEPA process, through public participation, helped identify a potential environmental problem regarding limited habitat for listed fish and helped to identify high impact sites to avoid or mitigate.

Effective Procedures, e.g., Public Involvement, Efficiency, Collaboration

- The majority of the public comments on the NEPA process were expressions of appreciation that DOE took the time to listen to public concerns and to consider their input.
- The project office found the NEPA process of value in ensuring that program applicants fully consider the environmental consequences of their proposals.

> *It was through the NEPA process that the project design was developed and problems were resolved prior to the start of construction.*
>
> *— Questionnaire Respondent*

- The NEPA process facilitated coordination with cooperating and other agencies. Useful suggestions and alternatives were identified that were both practical and good for resource protection.

Success Stories from *LLQR*

Feature articles in *LLQR* describe more fully how the NEPA process provides an organized structure for making some of the Department's most complex decisions. NEPA reviews have resulted in significant project cost savings through informed decisionmaking. Some articles highlight ways in which the NEPA process improved environmental outcomes, such as by identifying better alternatives or more effective mitigation. Some articles put the spotlight on procedural success, such as effective public involvement, enhanced tribal consultation, and efficient analysis. The NEPA Office has posted a compilation of 24 "success stories" from past issues of *LLQR*. The compilation includes:

Articles on Informed Decisionmaking

Wind Research Center – A site-wide EA provided an efficient framework for planning future activities.

Complex Transformation – A combined programmatic and project EIS process successfully managed the consideration of thousands of public comments.

Idaho High-Level Waste – An EIS proved useful, years later, to support decisionmaking.

Articles on Environmental Benefits

LANL Fire – A wildfire scenario was added to the accident analysis, based on comments on the draft EIS. DOE undertook immediate action to reduce risk, greatly reducing the severity of impacts from a major wildfire.

Watershed Protection – Stakeholder participation in the NEPA process resulted in additional alternatives with better environmental outcomes.

Strategic Petroleum Reserve Flexibility – As a result of Hurricane Katrina, which occurred during EIS scoping, the EIS alternatives included an additional noncoastal site and mitigation to address hurricane threats.

(continued on page 4)

NEPA Annual Planning Summaries

(continued from page 1)

BPA's NEPA compliance group includes three "core teams," one for each of BPA's primary business lines: Transmission, Fish and Wildlife, and Power. The supervisor/liaison of each NEPA core team coordinates with the business lines, serves as the point of contact for notice of any new projects requiring NEPA review, and assigns work to the team's NEPA Document Managers. BPA NEPA Document Managers participate in early estimating of project and NEPA costs, and in ongoing project planning meetings.

The NEPA compliance group sends representatives to monthly business line management committee meetings, which include BPA's Administrator, to provide NEPA updates on important projects. The NEPA compliance group also meets monthly with BPA's public affairs group to coordinate public outreach. The NCOs and BPA's Office of General Counsel also meet regularly to address key and emerging issues. The two NCOs monitor strategy and schedule throughout.

In addition, the NEPA compliance group conducts regular training for various parts of the agency to make sure business line project managers understand NEPA (as well as other environmental laws), when NEPA review is required, how long it might take, and how to contact BPA's NEPA group.

BPA's NEPA group participates in process mapping and planning meetings to ensure that NEPA compliance is considered as projects are being hatched.

Stacy Mason, NCO

BPA's Annual Planning Summary is prepared by the NCOs; reviewed by the manager of the environmental compliance group, the supervisor/liaison of each NEPA core team, and BPA's Office of General Counsel; and approved by BPA's Vice President for Environment, Fish, and Wildlife. The summary contains few surprises, as it reflects project tracking efforts ongoing throughout the year. NCOs often receive notice of a new project, for example, a year in advance of the need to start NEPA review. Because the Annual Planning Summary is the outcome of ongoing project planning and not a separate exercise at the end of the calendar year, the NCOs find that it is not difficult to prepare. They also report that their planning summary forecasts have proved reasonably accurate.

What Is an Annual Planning Summary?

Under DOE Order 451.1B, *NEPA Compliance Program*, a Secretarial Officer or Head of Field Organization is responsible for providing a NEPA Planning Summary to the General Counsel annually by January 31 and making it available to the public. An Annual Planning Summary includes the status of ongoing NEPA compliance activities and lists any EAs expected to be prepared in the next 12 months and any EISs expected to be prepared in the next 24 months, along with estimated cost and schedule information for each. Additionally, every 3 years, including 2013, each Annual Planning Summary must include an evaluation of whether a site-wide EIS would facilitate future NEPA compliance efforts.

Always Room for Improving the NEPA Annual Planning Summary Process

During a February 5, 2013, teleconference with NCOs, Jim Daniel, Unit Leader, Office of NEPA Policy and Compliance, gave a presentation on Annual Planning

(continued on page 5)

NEPA Success Stories

(continued from page 3)

Articles on Effective Procedures, e.g., Public Involvement, Efficiency, Collaboration

LANL Habitat Plan – The NEPA process resulted in a site-wide habitat management plan (reducing future need for biological assessments), geographic information system (reference for future project analyses), and endangered species protection.

Recovery Act NEPA Reviews – Thousands of NEPA reviews for Recovery Act projects were accomplished efficiently and quickly; NEPA did not delay proposed actions.

Standard Air Analyses – To promote efficiency and consistency, EPA, DOI, and USDA adopted a common approach to air quality analyses and mitigation for oil and gas actions on federal lands.

The NEPA Office continues to look for and highlight NEPA success stories. Please submit suggestions for future *LLQR* articles to Yardena Mansoor at yardena.mansoor@hq.doe.gov.

NEPA Annual Planning Summaries

(continued from page 4)

Summaries and solicited feedback from NCOs on whether planning summaries are useful and how to improve the process.

NCOs, who generally lead their office's internal development of the Annual Planning Summary, shared approaches for developing a realistic EIS schedule that includes all key milestones and deliverables. Several touched on the need to involve both DOE NEPA Document Managers and Project Managers in developing schedules.

- **Robin Sweeney** (Energy Efficiency and Renewable Energy) noted that it is difficult to establish EA schedules and cost estimates for financial assistance projects, due to the nature of DOE's role in project execution. Changing program priorities, cost-share issues, and project scope changes are a few factors that make the Annual Planning Summary difficult to prepare and work toward. She suggested that financial assistance projects be exempt from inclusion in Annual Planning Summaries.
- **Jeanie Loving** (Environmental Management) observed that identifying the funding organization would help headquarters program offices coordinate their planning summaries with those field offices with multi-program sites. Identifying the funding organization also would help site managers differentiate program responsibility.
- **Mary Martin** (National Nuclear Security Administration) recommended replacing the Annual Planning Summary with an integrated schedule for NEPA and project management; i.e., field offices would submit their summaries to headquarters elements on January 31, and headquarters offices would later submit their consolidated summaries to ensure proper prioritization of analytical efforts and resources and coordination of NEPA schedule milestones with project and program requirements.
- **Raj Sharma** (Nuclear Energy) recommended the procedures he uses to integrate field office input in a program-level report. The program office requests Annual Planning Summary input from field and program managers, with a copy to senior managers, in mid-December with a due date of mid-January. The request explains the purpose of the summaries, what input is to be included, and why involvement of senior managers is important. A reminder is sent out in early January "to ensure that procrastinators don't forget."
- **Drew Grainger** (Savannah River Operations Office) indicated that the Annual Planning Summary process is reasonably effective in making Savannah River senior managers aware of ongoing and projected NEPA reviews. Each Assistant Manager, as well as the Chief Counsel and Director of External Affairs, concurs on the summary, after careful review by their staff. Because this site serves two major program offices, the summary is provided to Environmental Management and the National Nuclear Security Administration, as well as to the General Counsel. As for ensuring adequate staff and funding, Mr. Grainger believes that senior management relies on the project funding process to make sure that happens, not the Annual Planning Summaries.
- **Sat Goel** (Science) said that NEPA document cost is difficult to estimate in the initial planning phase and recommended that costs be provided as a range in the Annual Planning Summary. He also suggested that the milestone schedule should be estimated as month/year in the planning phase, but changed to actual day/month/year after the milestone has been achieved.

The NEPA Office is continuing its consideration of the Annual Planning Summary comments received from NCOs. Any additional comments should be sent to Lee Jessee at lee.jessee@hq.doe.gov.

2013 NEPA Annual Planning Summaries

As of March 1, 44 DOE organizations report 72 EISs and 97 EAs (ongoing and projected) in the 2013 Annual Planning Summaries, compared to 75 EISs and 102 EAs reported in the 2012 Annual Planning Summaries. Thus, workload projections for 2013-14 appear stable compared to last year's summaries.

Most Annual Planning Summaries provide schedule information for ongoing EISs, but limited cost and schedule information for the 11 projected EISs expected in the next 24 months. An EIS schedule goes through several stages that can pose challenges in planning: an initial schedule must be revised as data and analytical needs are identified, cooperating agencies provide input, and public comments are reviewed (*LLQR*, June 2012, page 1). In some cases, cost and schedule uncertainty is attributed to changes in applicant proposals, litigation, or other reasons.

Minimizing EIS Printing and Distribution Costs and Managing Stakeholder Preferences

Concerns have been expressed by DOE managers regarding the costs to print and distribute NEPA documents. In response, the Office of NEPA Policy and Compliance staff informally surveyed several NEPA Document Managers, who had completed a Final EIS within the last few years, to get their lessons learned and feedback regarding methods of controlling EIS printing and distribution costs. The NEPA Office found that printing costs varied dramatically. For example, a single hard copy of a recent project-specific EIS cost $16, a site-wide EIS $55, and a large, complex EIS several hundred dollars.

Based on their input, please keep the following suggestions in mind to minimize printing and distribution costs for your next EIS.

Tips To Reduce Costs

- Establish an EIS distribution strategy that minimizes the number of printed hard copies of the complete EIS. Keep in mind, however, that DOE must fully meet its obligations to make an EIS available to interested parties.
  - DOE typically offers the following EIS distribution options to stakeholders: a) a printed summary, b) a printed summary and the complete EIS on CD/DVD, c) a complete printed EIS, or d) notification of the EIS's availability online.
  - Consider promoting CDs or online distribution of EISs (download EIS via a website) over distributing hard copies of the EIS.
- Determine initial stakeholder distribution preferences early by mailing a postcard, sending an email, or providing a form at a public scoping meeting.
- Confirm stakeholder distribution preferences before distributing a draft and final EIS. In these inquiries, include a statement identifying the default distribution if no response is provided. For example, if stakeholders do not respond to the initial postcard, then they will receive a subsequent postcard listing the locations of reading rooms that contain a printed copy of the EIS and the website address where the EIS can be downloaded online.
- Build adequate printing time into the EIS schedule to avoid having to pay high printing fees for last minute rush jobs.
- Minimize the use of color maps and figures to the extent practicable – color printing can enhance effective communication but also adds significant expense to printing.

The NEPA Office will continue to explore options and examine the practices of other agencies to identify cost-saving measures without compromising public access to NEPA documents. (See also DOE's EIS Distribution *guidance available on the DOE NEPA Website.)*

Most DOE EISs Involve Cooperating Agencies

Cooperating agencies were involved in the preparation of 33 out of 45 DOE EISs (73 percent) in fiscal year 2012 (FY12). This is among the findings contained in DOE's January 2013 Cooperating Agency Report to the Council on Environmental Quality (CEQ). The report covers EISs for which DOE is the lead or co-lead agency and that were completed during FY12 or were still ongoing as of September 30, 2012. DOE also reported that 6 of the 29 EAs (21 percent) that DOE completed during FY12 were prepared with cooperating agencies.

This annual report is part of CEQ's ongoing efforts to encourage federal agencies to involve state and local governments as cooperating agencies. American Indian tribal governments and tribal agencies also participate substantively in many DOE EIS processes, whether through government-to-government consultation or as cooperating agencies. (CEQ guidance on cooperating agencies is available on the DOE NEPA Website at http://energy.gov/nepa/cooperating-agencies.) The benefits, CEQ points out in its guidance, include disclosure of relevant information early in the analytical process, access to technical expertise and staff support, avoidance of duplicative reviews, and establishing a mechanism for addressing inter- and intra-governmental issues.

Since annual reporting began in FY05, between half and three-quarters of DOE EISs have had cooperating agencies, "one of the highest agency-wide levels reported," according to CEQ's compilation of 7 years of annual reporting information (*LLQR*, September 2012, page 10). In issuing its report, CEQ invited agencies to identify instances where cooperation worked particularly well or poorly, and asked for suggestions to improve cooperating agency reporting by better identifying challenges and beneficial outcomes. For further information on DOE's Cooperating Agency Report, contact Yardena Mansoor at yardena.mansoor@hq.doe.gov.

Cooperating Agencies

A cooperating agency participates in the preparation of an EIS based on its jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed action (or reasonable alternative) (40 CFR 1508.5). The responsibilities of a cooperating agency include participating in the NEPA process at the earliest possible time, participating in scoping, and – on request of the lead agency – assuming responsibility for developing information and preparing analyses for matters in which the cooperating agency has expertise (40 CFR 1501.6).

And the 2012 Cooperating Agency Winners Are . . .

Department of the Interior, Bureau of Land Management – our most popular cooperating agency – is involved in 11 DOE EISs. In second place is the U.S. Army Corps of Engineers, a cooperating agency in 9 DOE EISs.

TransWest Express Transmission Project EIS (DOE/EIS-0450), being prepared jointly by Western Area Power Administration and the Bureau of Land Management, is the champion for signing up the most cooperating agencies: 7 federal agencies, 4 states, 20 counties, 3 tribes, 5 conservation districts, and a grazing board.

Western Area Power Administration has the largest number of EISs being prepared with co-lead or cooperating agencies, 10 out of 13. Western is also the DOE organization that most frequently serves as a cooperating agency in other agencies' NEPA reviews.

NEPA Requirements and Guidance Electronic Compendium under Development

Recent feedback from DOE's NCOs and NEPA Document Managers indicated a shared view that while a large amount of NEPA guidance already exists, a comprehensive guide or "compendium" making these NEPA resources readily accessible could be useful. (See *LLQR*, December 2012, page 1.) In response, the Office of NEPA Policy and Compliance is now undertaking a comprehensive effort to organize and make electronically available the contents of more than 100 NEPA requirements and guidance documents (including DOE and Council on Environmental Quality (CEQ) NEPA implementing regulations; DOE, CEQ, and Environmental Protection Agency guidance; and Executive Orders).

To accomplish this, the NEPA Office will ensure that all text is machine readable, fully text-searchable, properly formatted, and appropriately organized. Various excerpts from these documents will be "tagged" using a consistently applied and standardized list of several hundred NEPA topics (e.g., alternatives, connected actions) and several dozen resource areas (e.g., air quality, land use). During a February 5, 2013, teleconference, John Jediny, Office of NEPA Policy and Compliance, solicited comments from the NCOs on the list of "tags" for NEPA topics and resource areas that will be used to organize these documents. Since then, Mr. Jediny has updated the "tag" list, incorporating NCO comments.

"By organizing NEPA informational resources in this way, we are breaking down the 'silos' of information among these documents, eventually providing us with the ability to cross-reference and comparatively review all NEPA requirements and guidance by specific NEPA topics or resource areas," Mr. Jediny said. The resulting electronic compendium will allow NEPA practitioners to quickly search for relevant information on NEPA topics without having to know where to look.

The compendium also will enable the NEPA Office to more efficiently analyze which NEPA topics are adequately addressed by existing DOE guidance, and which topics need guidance to be updated, supplemented, clarified, and/or created to "fill-in-the-gaps."

The NEPA Office expects that the NEPA Requirements and Guidance Compendium will provide the DOE NEPA Community with a tool to search all of DOE's requirements, policies, and guidance pertaining to a variety of NEPA topics and quickly review all of the relevant text from these NEPA requirements and guidance documents in one location.

The NEPA Office will soon begin testing a preliminary version of the compendium and welcomes volunteers to help with that effort. Offers to volunteer, comments, and suggestions on the compendium should be sent to john.jediny@hq.doe.gov.

Tribal Energy Resource Useful for NEPA Reviews

Useful information about the environmental effects of energy development on tribal lands is available at the Tribal Energy and Environmental Information Clearinghouse (TEEIC). TEEIC was developed by DOE's Argonne National Laboratory for the Office of Indian Energy and Economic Development in the Department of the Interior to assist tribes in conducting environmental analyses for energy development activities on tribal lands. The Clearinghouse covers a variety of energy resources and associated environmental impacts and is a valuable resource for NEPA practitioners in general.

TEEIC provides information on the environmental impacts associated with each phase of development by resource, mitigation and monitoring options, and applicable permitting and environmental review requirements. TEEIC provides this information for multiple energy resources: biomass, carbon sequestration, coal, geothermal, hydrokinetic, low-head hydropower, oil and gas, solar, transmission, wind, and efficiency and conservation. In addition, the site provides contact information for tribes, tribal environmental and energy organizations, and federal agencies. TEEIC also provides a link to the *Energy Transport Corridor Siting for Tribal Planners Guidance Manual*, which describes a process for siting transmission corridors or rights-of-way across tribal lands to facilitate energy development and transmission while reducing associated environmental impacts.

Using IT To Improve the NEPA Process

Concluding that information technology (IT) is integral to its efforts to improve the implementation of NEPA, the Council on Environmental Quality (CEQ) has reestablished its NEPA Information Technology Working Group (ITWG) – a team of NEPA contacts representing more than a dozen federal agencies. In addition to encouraging the increased use of IT in the NEPA process generally, the ITWG supports the continuing work of CEQ to further Administration goals to expedite federal permitting and review processes required for infrastructure projects, as outlined in Executive Order 13604, *Improving Performance of Federal Permitting and Review of Infrastructure Projects*, issued on March 22, 2012.

The ITWG was initially created in 2012 to assess and increase agency awareness of existing IT tools applicable throughout the NEPA process, and develop a "NEPA IT Toolbox" (*LLQR*, March 2012, page 6). The goal was to increase the accountability, transparency, and overall efficiency of the NEPA process. The ITWG plans to further refine and promote the work accomplished under the original ITWG, which included CEQ's Geographical Information System (GIS) Inventory for Environmental Professionals (*LLQR*, September 2012, page 8) and NEPA IT Framework.

Guiding Principles for ITWG

Under the leadership of Horst Greczmiel, Associate Director for NEPA Oversight at CEQ, the ITWG has established the following principles to guide its efforts:

- Provide a forum for collaborative and innovative thinking on ways that IT tools can be used to improve the NEPA process, including increased transparency and public involvement as well as more efficient management and tracking
- Evaluate matters from both intra-governmental and inter-governmental perspectives
- Identify issues, guidance, and frameworks that can provide value and apply to all agencies

The ITWG will focus its efforts and resources on:

- Continuing to survey and inventory existing IT tools, best practices, and guidance applicable to the NEPA process
- Identifying "off-the-shelf" technologies that can be implemented to enhance an agency's NEPA process, and acquired quickly and at a lower cost
- Developing "frameworks," i.e., blueprints for using IT systems to facilitate various aspects of the NEPA process, with emphasis on data management and sharing, use of GIS, and public engagement and communications
- Identifying and promoting ways to increase the overall awareness and application of IT in all aspects of the NEPA process

Emphasis on Tracking NEPA Metrics

Given the increase in requests for information about NEPA process metrics, such as cost and completion time – a trend that is likely to continue in a cost-constrained environment – the ITWG is reviewing how agencies are currently tracking and managing their NEPA process. Specifically, the ITWG plans to identify the similarities and differences among agencies in NEPA process metrics, including differences in how major milestones within the NEPA process are defined. For example, different agencies may use different milestones to denote the "start" and "end" of the NEPA process, so completion times among agencies may not be directly comparable. Also, not all federal agencies routinely or centrally track NEPA metrics. The ITWG plans to assess and promote tools to improve efficiency and consistency among federal agencies in tracking and managing their NEPA processes. The ITWG is evaluating tools applicable to tracking and managing EISs, EAs, and categorical exclusions.

DOE's representatives on the ITWG are John Jediny and Eric Cohen, Office of NEPA Policy and Compliance. They will share information with and solicit feedback from the DOE NEPA Community on future ITWG developments. Please send any questions or comments about the ITWG to john.jediny@hq.doe.gov.

Conferences

National Environmental Justice Conference and Training Program
April 3-5; Washington

DOE is co-sponsoring, with other federal agencies, universities, and private companies, the 2013 National Environmental Justice Conference and Training Program in Washington, DC, at the Howard University School of Law on April 3 and the Marriott at Metro Center on April 4–5. Registration is free for government employees, students, and community members and organizations. Program and registration information is available at http://thenejc.org.

NAEP 2013: Walk the Talk
April 1-4; Los Angeles

The National Association of Environmental Professionals (NAEP) and the California Association of Environmental Professionals (AEP) will jointly host their 2013 conference in Los Angeles on the theme of Walk the Talk. The conference will highlight the work of environmental professionals that achieves the goals of NEPA and the California Environmental Quality Act while balancing economic development, quality of life, and conservation and protection of the environment. A NEPA track will include panel discussions on improving NEPA practice, presentations on successful approaches to NEPA implementation, and an annual NEPA update – a review of recent case law, regulatory changes, guidance developments, and emerging issues. Program and registration information is available at www.n-aep2013.org.

Impact Assessment: The Next Generation
May 13-16; Calgary

The International Association for Impact Assessment (IAIA) will host its 33rd annual conference in Calgary, Alberta, Canada. The IAIA13 theme of *Impact Assessment: The Next Generation* refers to a new generation of practitioners and new impact assessment approaches to address issues of global concern, such as climate change, biodiversity loss, soil degradation and loss, ocean productivity changes, and loss of aboriginal cultures. The conference will include more than 125 sessions and plenaries and will be preceded by 1- and 2-day training courses on May 11–12. Program and registration information is available at www.iaia.org/iaia13.

DOE-Wide NEPA Contracts Update

The seven task order contracts for NEPA support services that DOE established in late 2008 and early 2009 will all expire in December 2013.

Task Order Awarded

The following Task Order was awarded recently. Tasks awarded previously under these contracts are listed in *LLQR*, June 2009, page 13; September 2009, page 19; December 2009, page 16; June 2010, page 14; March 2012, page 8; June 2012, page 12; and September 2012, page 7.

Description	DOE Contact	Date Awarded	Contract Team
Support for DOE/EIS-0388, Operation of a Biosafety Level 3 Facility at the Los Alamos National Laboratory, New Mexico	Steve Fong 505-665-5534 steve.fong@nnsa.doe.gov	1/24/2013	Tetra Tech, Inc.

Transitions

NEPA Compliance Officer: Southwestern Power Administration

Ron Szatmary is now serving as Southwestern Power Administration's NCO. As Southwestern's Assistant Administrator for Corporate Services, Mr. Szatmary is responsible for the Administration's financial management, human resources, procurement, and environmental safety and health. Before joining Southwestern, he performed similar duties for the Yucca Mountain Project at DOE headquarters. Mr. Szatmary can be reached at ron.szatmary@swpa.gov or 918-595-6600.

Julie Smith Transfers from NEPA Office

Julie Ann Smith, Ph.D., who served as an Environmental Protection Specialist in the Office of NEPA Policy and Compliance since April 2009, joined the Electricity Policy and State Assistance team in the National Electricity Delivery Division of DOE's Office of Electricity Delivery and Energy Reliability in January 2013. While part of the NEPA Office, she worked closely with program office staff on EISs for loan guarantees, Presidential permits, and Santa Susana Field Laboratory Area IV, and assisted the Golden Field Office in expedited reviews of EAs for Recovery Act-related renewable energy projects. She also provided technical assistance and guidance as a member of the DOE NEPA rulemaking team and on issues related to National Historic Preservation Act Section 106 compliance, tribal coordination, wind and solar technologies, and climate change.

In her new role as an Electricity Policy Analyst, Dr. Smith will help develop and implement DOE policies regarding cross-border electric transmission line permitting, and electric transmission and reliability. She also will help support states and regions in their development of electricity policies. She will also continue her role in supporting DOE's environmental compliance efforts as a NEPA Document Manager. Dr. Smith can be reached at juliea.smith@hq.doe.gov or at 202-586-7668.

The Office of NEPA Policy and Compliance thanks Julie for her many contributions and offers best wishes for her transition.

Jerry Pell Retires from DOE

Jerry Pell, Ph.D., retired in January, after almost four decades of federal service devoted to environmental stewardship, including serving as NEPA Document Manager for the Office of Electricity Delivery and Energy Reliability. There he managed the preparation of EAs and EISs for proposed new electric transmission lines that would cross U.S. borders with Canada or Mexico. He also assisted in implementing provisions of the Energy Policy Act of 2005 pertaining to transmission and National Interest Electric Transmission Corridors.

Dr. Pell contributed to DOE's *Programmatic EIS for the Clean Coal Technology Demonstration Program* (DOE/EIS-0146; 1989), the first DOE NEPA document to explicitly address global climate change. The most rewarding part of his career, he states, came when he was assigned to an interagency team that traveled world-wide to promote mitigation and adaptation to global climate change.

He earned his Ph.D. in Physical Meteorology (atmospheric physics) from McGill University in Montreal and then joined the faculty of Rutgers University, where he focused on air pollution and the atmospheric effects of power plant cooling towers. In 1972, Dr. Pell joined the State of Maryland's Power Plant Siting Program as liaison between the State's Bureau of Air Quality Control and Department of Natural Resources. In balancing the interests of environmental stewards and proponents of energy development, he observed, "I knew I was doing the right thing when both offices yelled at me equally loudly."

After acquiring U.S. citizenship in 1975, Dr. Pell joined the Federal Energy Administration (subsumed into DOE in 1978) as the Director of Environmental Regulations. There he worked on what became the Clean Air Act Amendments of 1977, with emphasis on the prevention of significant deterioration (PSD) of air quality, among many other energy resource development issues. As an adjunct professor to the Meteorology Department of the University of Maryland in the late 1980s, Dr. Pell taught a course on air pollution meteorology. He now teaches global climate change at a community college in Maryland.

On behalf of the DOE NEPA Community, we express our appreciation for Jerry's many contributions and offer best wishes for his future endeavors.

EAs and EISs Completed October 1 to December 31, 2012

EAs[1]

Bonneville Power Administration
DOE/EA-1912 (12/6/12)
Midway-Benton No. 1 Rebuild Project, Benton County, Washington
Cost: $160,000
Time: 14 months

Golden Field Office/Office of Energy Efficiency and Renewable Energy
DOE/EA-1933 (11/16/12)
Yakama Nation Drop 4 Hydropower Project, Yakama Nation Reservation, Washington
EA was adopted; therefore cost and time data are not applicable. [The Department of the Interior's (DOI) Bureau of Indian Affairs was the lead agency; DOE was a cooperating agency.]

National Energy Technology Laboratory/Office of Energy Efficiency and Renewable Energy
DOE/EA-1921* (12/20/12)
Silver Peak Area Geothermal Exploration Project, Esmeralda County, Nevada
EA was adopted; therefore cost and time data are not applicable. [DOI's Bureau of Land Management was the lead agency; DOE was a cooperating agency.]

Western Area Power Administration
DOE/EA-1863 (10/12/12)
Glen Canyon to Pinnacle Peak 345 kV Transmission Lines Vegetation Management Project, Coconino County, Arizona
Cost: $775,000
Time: 20 months

DOE/EA-1884 (12/27/12)
Wray Wind Energy Project, Yuma County, Colorado
The cost for this EA was paid by the applicant; therefore, cost information does not apply to DOE.
Time: 33 months

EISs

Office of Environmental Management/Office of River Protection
DOE/EIS-0391 (77 FR 744479, 12/14/12)
(Draft EIS EPA Rating: EO-2)
Tank Closure and Waste Management for the Hanford Site, Richland, Washington
Cost: $85,000,000**
Time: 82 months

Office of Loan Programs
DOE/EIS-0470 (77 FR 75632, 12/31/12)
Cape Wind Energy Project, Nantucket Sound, Massachusetts
EIS, in combination with 2 EAs, was adopted; therefore cost and time data are not applicable. [DOI's Minerals Management Service, now known as the Bureau of Ocean Energy Management, was the lead agency; DOE was not a cooperating agency.]

Western Area Power Administration
DOE/EIS-0440 (77 FR 75632, 12/21/12)
(Draft EIS EPA Rating: EC-2)
Quartzsite Solar Energy Project, La Paz County, Arizona
Cost: The cost for this EIS was paid by the applicant; therefore, cost information does not apply to DOE.
Time: 35 months

DOE/EIS-0490 (77 FR 62235, 10/12/12)
(Draft EIS EPA Rating: EC-2)
Boulder City/US 93 Corridor Study, Clark County, Nevada
EIS was adopted; therefore cost and time data are not applicable, [The Department of Transportation's Federal Highway Administration was the lead agency; DOE was a cooperating agency.]

ENVIRONMENTAL PROTECTION AGENCY (EPA) RATING DEFINITIONS

Environmental Impact of the Action
LO – Lack of Objections
EC – Environmental Concerns
EO – Environmental Objections
EU – Environmentally Unsatisfactory

Adequacy of the EIS
Category 1 – Adequate
Category 2 – Insufficient Information
Category 3 – Inadequate

(For a full explanation of these definitions, see the EPA website at *www.epa.gov/compliance/nepa/comments/ratings.html*.)

[1] *EA and finding of no significant impact (FONSI) issuance dates are the same unless otherwise indicated.*
** Recovery Act project*
***The cost for this document includes the costs for three major EISs (waste management, high-level waste tank closure, and disposition of a nuclear reactor) that were started separately and ultimately integrated into one document; also included are costs to develop a single comprehensive groundwater model for the Hanford Site.*

What Worked and Didn't Work in the NEPA Process

To foster continuing improvement in the Department's NEPA Compliance Program, DOE Order 451.1B requires the Office of NEPA Policy and Compliance to solicit comments on lessons learned in the process of completing NEPA documents and distribute quarterly reports.

The material presented here reflects the personal views of individual questionnaire respondents, which (appropriately) may be inconsistent. Unless indicated otherwise, views reported herein should not be interpreted as recommendations from the Office of NEPA Policy and Compliance.

Scoping

What Worked

- *Working closely with another DOE field office*. The proposed project was located on DOE property. We worked closely with the DOE field office because they were familiar with the site's potential environmental issues as a result of earlier environmental impact analysis documents.

What Didn't Worked

- *Changing document scope*. Combining the scope of the original EIS with the scope of a site-wide EIS increased the time needed to complete the document.

Data Collection/Analysis

What Worked

- *Staff familiar with site*. Data collection was not problematic because we hired folks who were familiar with the site of the proposed action.

What Didn't Work

- *Acquiring data*. Obtaining a list of activities in the area to facilitate the analysis of cumulative impacts was difficult.
- *Need for data*. Obtaining data on cultural resources was difficult due to the lack of availability of key persons and the need for additional research.
- *Delayed access to data*. Delayed access to data on the project's design inhibited the start of the impact analyses.
- *Need to update data*. Due to the initial EIS schedule, much of the data compiled for the contractor was developed prematurely. These data had to be updated.

Schedule

Factors that Facilitated Timely Completion of Documents

- *Good document manager*. The NEPA Document Manager was effective in addressing issues in a timely manner.
- *Periodic calls*. Periodic calls helped to keep the EIS process on track.
- *Detailed schedule and management attention*. Having a detailed schedule and senior management attention (as needed) facilitated completion of the EIS.
- *Good communication*. Maintaining good communication with cooperating agencies and the applicant facilitated timely completion of the EIS.
- *Frequent communication*. Weekly conference calls and open communication facilitated timely completion of the EIS.

Factors that Inhibited Timely Completion of Documents

- *Differing interpretations*. The interpretation of NEPA and other environmental regulations was not consistent among the participating agencies. Addressing these differences inhibited timely completion of the EIS.
- *Unique issues*. Several issues that were unique to this EIS resulted from an earlier agreement between DOE and the State. Resolving these issues took longer than originally anticipated.
- *Inconsistent management decisions*. Having access to senior management who could make timely decisions was effective. However, over the course of the EIS, there were many senior managers involved, which made consistency and timeliness harder at times.

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What Worked and Didn't Work *(continued from previous page)*

- *Rescoping EIS*. Even though the EIS process was thought to be planned early enough, as a result of a later agreement with the State and the resultant rescoping of the EIS, the NEPA process ended up on the critical path, which led to schedule pressure and more aggressive assumptions that had to be dealt with.
- *Ineffective meetings/participation*. Participation was not consistent in earlier meetings held to identify issues. People who had not participated in earlier meetings identified new issues at later meetings that had to be addressed. Some meetings seemed to introduce more comments to be resolved than to resolve the issues already identified.

Teamwork

Factors that Facilitated Effective Teamwork

- *Constant communication*. Keeping everyone in the loop regarding project changes in monthly team meetings was effective.
- *Early identification of roles and responsibilities*. Identifying team members and their clear roles and responsibilities early in the project work plan facilitated effective teamwork.
- *Good working relationship*. The NEPA Compliance Officer, the NEPA Document Manager, and the contractor had a good working relationship.

Process

Successful Aspects of the Public Participation Process

- *Early public interaction*. The public reacted positively to the early notifications of meetings and the availability of EIS documents and information.
- *Easy public interaction*. The public process on this project consisted of notification letters to the public (no public meeting) because the entire project was located on DOE property (with no offsite impacts).

Unsuccessful Aspects of the Public Participation Process

- *Use of a webinar*. Use of a webinar was an effective way to reach a number of people. However, it did not lend itself to a dialog. It would have been more effective to not only be able to present data, but to also receive information.

Usefulness

Agency Planning and Decisionmaking: What Worked

- *Support for DOE waste management*. The EIS provided a path forward for the treatment, storage, and disposal of some of the Department's waste materials.
- *Selection of best alternative*. The EA allowed DOE to choose the best alternative for the proposed action which also mitigated impacts to culturally sensitive areas.

Enhancement/Protection of the Environment

- *Reduced impacts*. The environment was largely protected as a result of this EA process, which facilitated effective siting of the proposed project as well as helped select measures to reduce potential impacts.

Other Issues

Guidance Needs Identified

- *Update* EIS Distribution *guidance*. EIS Distribution guidance is a useful document, but not many people know how much information is there regarding the content of distribution letters. It would be useful to update the guidance to reflect process and organizational changes that have occurred since publication of the guidance in 2006.

  [Editor's note: The Office of NEPA Policy and Compliance is currently working on updating DOE's EIS Distribution *guidance.]*

Effectiveness of the NEPA Process

For the purposes of this section, "effective" means that the NEPA process was rated 3, 4, or 5 on a scale from 0 to 5, with 0 meaning "not effective at all" and 5 meaning "highly effective" with respect to its influence on decisionmaking.

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What Worked and Didn't Work *(continued from previous page)*

For the past quarter, in which 2 EA and 3 EIS questionnaire responses were received, 4 respondents rated the NEPA process as "effective;" 1 rated the process as "2."

- A respondent who rated the process as "5" stated that the NEPA process provided DOE with the information needed to make good decisions regarding avoidance and minimization of impacts to many different resources.
- A respondent who rated the process as "4" stated that the NEPA process caused the applicant to consider more information before deciding on the location of the proposed project; this led to the selection of a location that had less impact to endemic species.
- A respondent who rated the process as "4" stated that the NEPA Document Manager, the NEPA Compliance Officer, and the supporting contractor were the best that DOE could have hoped for.
- A respondent who rated the process as "3" stated that since the EA was adopted, there was not much ability to influence the NEPA process.
- A respondent who rated the process as "2" stated that the NEPA process was inconsistent due to varying management interpretations of what the process was supposed to accomplish.

NEPA Document Cost and Time Facts

EA Cost and Completion Times

- For this quarter, the costs for the preparation of 2 EAs for which cost data were applicable were $160,000 and $775,000.
- Cumulatively, for the 12 months that ended December 31, 2012, the median cost for the preparation of 15 EAs for which cost data were applicable was $95,000; the average was $158,000.
- For this quarter, the median completion time for 3 EAs for which time data were applicable was 20 months; the average was 39 months.
- Cumulatively, for the 12 months that ended December 31, 2012, the median completion time for 18 EAs for which time data were applicable was 13 months; the average was 15 months.

EIS Cost and Completion Times

- For this quarter, the cost for the preparation of 1 EIS for which cost data were applicable was $85,000,000.
- Cumulatively, for the 12 months that ended December 31, 2012, the costs for the preparation of 2 EISs for which cost data were applicable were $711,000 and $85,000,000.
- For this quarter, the completion times for 2 EISs for which time data were applicable were 35 and 82 months.
- Cumulatively, for the 12 months that ended December 31, 2012, the median completion time for 7 EISs for which time data were applicable was 35 months; the average was 42 months.