

National Environmental Policy Act

LESSONS LEARNED

U.S. DEPARTMENT OF ENERGY

QUARTERLY REPORT

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First Quarter FY 2016

Expand Your EJ Toolkit To Enhance NEPA Reviews

Seeking to “provide the groundwork for a renewed and dynamic process to advance environmental justice principles through NEPA implementation and thereby promote a more effective, efficient, and consistent consideration of environmental justice during NEPA reviews,” the NEPA Committee of the Interagency Working Group on Environmental Justice (EJ IWG) prepared a *Report on Promising Practices for EJ Methodologies in NEPA Reviews*.

During a Collaborative Conversation on EJ held on February 4, the EJ IWG distributed the report to federal agencies and asked them to consider it in their NEPA activities and report their recommendations at an EJ IWG meeting this summer.

David Klaus, Deputy Under Secretary for Management and Performance, represents DOE on the EJ IWG. Suzi Ruhl, Environmental Protection Agency (EPA), and Helen Serassio, Department of Transportation, co-chair the NEPA Committee, which includes participants from 13 federal agencies. Denise Freeman, Office of NEPA Policy and Compliance, represents DOE on the NEPA Committee.

“Promising Practices” Meet Community Needs

Kedric Payne, DOE Deputy General Counsel for Environment and Compliance, provided an overview of the *Promising Practices* report at February’s meeting. He emphasized how the goals of NEPA and EJ are closely aligned. “The experience that each agency brought to preparing this report demonstrates the flexibility available through the NEPA process to adapt public involvement and analysis to meet real needs of local communities,” he said after the meeting.

The *Promising Practices* report is a compilation of approaches that the NEPA Committee gleaned from an



Kedric Payne (left); Suzi Ruhl; Melinda Downing, DOE Environmental Justice Program Manager; and Denise Freeman participated in the Collaborative Conversation on EJ.

almost 4-year review of agency practices. The report consists of nine sections:

- Meaningful Engagement
- Scoping Process
- Defining the Affected Environment
- Developing and Selecting Alternatives
- Identifying Minority Populations
- Identifying Low-Income Populations
- Impacts
- Disproportionately High and Adverse Impacts
- Mitigation and Monitoring

Within each section, the report provides guiding principles and specific steps to consider during the NEPA process. “This effort highlights the fundamental approach of using federal environmental laws as a framework to advance environmental justice,” explained Ms. Ruhl.

(continued on page 4)

Inside Lessons Learned

Welcome to the 86th quarterly report on lessons learned in the NEPA process. This issue highlights practices to improve NEPA implementation for environmental justice and public access to references; these practices remind us of NEPA's emphasis on meaningful public involvement. Thank you for your continued support of the Lessons Learned program. As always, we welcome your suggestions for improvement.

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Carol Borqstrom

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 April 11, 2016, to Yarden Mansoor at [yardena.mansoor@hq.doe.gov](mailto:yarden.mansoor@hq.doe.gov).

Quarterly Questionnaires Due May 2, 2016

For NEPA documents completed January 1 through March 31, 2016, 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 2. 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. To be notified via email when a new issue is available, send your email address to [yardena.mansoor@hq.doe.gov](mailto:yarden.mansoor@hq.doe.gov). (DOE provides paper copies only on request.)

Cooperating Agencies Contribute to Most DOE EISs


During fiscal year 2015, cooperating agencies participated in the preparation of 25 of the 27 ongoing EISs (93 percent) for which DOE was the lead or co-lead agency. In addition, 5 of the 16 EAs that DOE completed during the year were prepared with cooperating agencies. These are among the findings in DOE's latest Cooperating Agency Report to the Council on Environmental Quality (CEQ), submitted in January.

This annual report is part of CEQ's continuing effort to encourage federal agencies to involve cooperating agencies – at the federal, state, local, and tribal government levels – in NEPA reviews. CEQ [guidance](#) identifies the benefits of involving cooperating agencies, including disclosure of relevant information early in the analytical process, access to technical expertise and staff support, avoidance of duplicative reviews, and facilitating the resolution of inter- and intra-governmental issues.

DOE worked with 84 distinct cooperating agencies on EISs during fiscal year 2015: 24 federal agencies,

15 state agencies, 30 counties, 6 conservation districts, 7 tribal entities, a grazing board, and a university. Most cooperating agencies participated in only one EIS, but 11 participated in multiple documents. The U.S. Forest Service was a cooperating agency in 10 EISs. The U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, and U.S. Fish and Wildlife Service each participated in more than 5 EISs.

In addition to involving other agencies in DOE's EISs and EAs, DOE participates as a cooperating agency in other agencies' NEPA reviews where DOE has jurisdiction or special expertise. DOE is a cooperating agency in 27 EISs and 5 EAs being prepared by the Bureau of Land Management, Bureau of Reclamation, Federal Energy Regulatory Commission, U.S. Forest Service, and other agencies.

For a copy of DOE's report or additional information, contact Yarden Mansoor, Office of NEPA Policy and Compliance, at [yardena.mansoor@hq.doe.gov](mailto:yarden.mansoor@hq.doe.gov). 

Horst Greczmiel, a NEPA Champion, Retires from CEQ

Horst Greczmiel retired from the Council on Environmental Quality (CEQ) in December, having served for 15 years as Associate Director for NEPA Oversight. Mr. Greczmiel was a steady voice for the value and practicality of NEPA. He assisted agencies countless times in resolving questions about NEPA implementation, encouraged early public participation, and led initiatives to make NEPA implementation more efficient and effective.



Mr. Greczmiel oversaw an interagency task force on NEPA modernization and spearheaded the development for CEQ of guidance on topics as diverse as involving cooperating agencies, undertaking emergency actions, consideration of past actions in cumulative effects analysis, aligning the NEPA process with environmental management systems, environmental collaboration

and conflict resolution, public involvement, categorical exclusions, mitigation, integrating NEPA with the National Historic Preservation Act Section 106 review process and with state environmental reviews, and programmatic NEPA reviews. He instituted monthly meetings of federal agency NEPA contacts to promote information sharing and development of collegial relationships across agencies.

Mr. Greczmiel's NEPA colleagues and friends said their farewells at a celebration at the Executive Office Building on February 5. On behalf of the DOE NEPA Community, and with appreciation for Mr. Greczmiel's dedicated leadership and commitment to environmental stewardship, we offer best wishes on the occasion of his retirement.

Edward (Ted) Boling, who served as CEQ's General Counsel from 2000–2010 before joining the Office of the Solicitor, Department of the Interior; now serves as CEQ Associate Director for NEPA. At a Federal NEPA Contacts meeting on March 2, Mr. Boling plans to provide updates on CEQ guidance documents (greenhouse gases and climate; environmental assessments), FAST Act implementation, and an overview of CEQ's NEPA priorities for 2016.

Insights from Horst Greczmiel, as Reported in LLQR

From his position at CEQ, Mr. Greczmiel grappled with questions of NEPA implementation in the broadest sense, involving not only challenges facing federal agencies but concerns of tribal, state, and local governments, Congress, the courts, and the public. *LLQR* captured some of his insights over the years.

- “By using my position to help strengthen the NEPA process (a fundamental step in addressing the environmental component of any decision), the broader environmental initiatives designed to make communities more livable and to address preservation of habitat and biological diversity will continue to move forward.” (March 2000, page 8)
- Senior decisionmakers will read the Summary. “Why do they read it? Because it’s in plain English; it distills the key points that they need to be aware of, provides them options, and makes a recommendation on how they should proceed. That sounds an awful lot like what a good NEPA document should do.” (December 2005, page 8)

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An Enthusiastic Supporter of DOE's NEPA Program

Mr. Greczmiel was an enthusiastic supporter of DOE's NEPA program. In addition to assisting DOE's NEPA rulemaking and guidance efforts, he was a featured speaker at DOE's meetings of NEPA Compliance Officers, the DOE NEPA Community, and the interagency conference sponsored by DOE in partnership with CEQ to celebrate NEPA's 35th anniversary.



“There is a difference between delay and time well spent.”

– Horst Greczmiel (LLQR, June 2010, page 14)

“We turned to Horst many times for advice on ways to improve DOE's NEPA program,” said Carol Borgstrom, Director, Office of NEPA Policy and Compliance. “He always took the time to understand our issues, regularly asked probing questions, and helped the Department, as he did other agencies.”

Before joining CEQ, Mr. Greczmiel served in the Office of Environmental Law at U.S. Coast Guard headquarters, where he received the Commandant's Award for Superior Achievement and a Department of Justice Commendation for his work on environmental planning and species protection litigation. Earlier, he had practiced law in the New Jersey Public Defender's Office, in a private firm, and for the U.S. Army. **LL**

EJ Promising Practices *(continued from page 1)*

Outcome of a Renewed Focus on EJ

The EJ IWG was established by [Executive Order 12898](#), *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (1994), and reinvigorated through a [memorandum of understanding](#) (MOU) signed in 2011 by 17 federal agencies, including DOE. The MOU declared the continued importance of identifying and addressing EJ considerations in agency programs, policies, and activities.

In 2012, the EJ IWG created the NEPA Committee¹ “to improve the effective, efficient and consistent consideration of environmental justice issues in the NEPA process through the sharing of best practices, lessons learned, research, analysis, training, consultation, and other experiences of federal NEPA practitioners.”

“We shared EJ and NEPA-related promising practices and experiences through regular conference calls and face-to-face meetings,” recalled Ms. Freeman. “And finally, after much discussion and collaboration, the NEPA Committee has produced a living document ready for use and consideration by NEPA practitioners in their preparation and review of NEPA documents.”

Work With Local Communities

The *Promising Practices* report contains many suggestions. An overarching theme is to understand the particular interests of local communities. Agencies should recognize that assumptions and practices appropriate for the general population may not be the best for minority populations and low-income populations. The report offers steps that agencies can take throughout the NEPA process to address these differences.

Meaningful Engagement – Agencies can consider “adaptive and innovative approaches to both public outreach (i.e., disseminating relevant information) and participation (i.e., receiving community input).” The report acknowledges the value of “conducting early and diligent efforts to meaningfully engage” potentially affected people and organizations throughout the NEPA process and of using a variety of communication methods targeted to interested audiences, such as “holding some meetings outside of traditional work hours and locations” and providing “multiple forms of communication (e.g., written, oral, pictorial) to accommodate varied levels of reading proficiency . . . and to account for limited English proficiency.”

Scoping Process – The report notes that “minority populations and low-income populations may have increased or unique vulnerabilities from multiple impacts in one or more environmental resource topics or from cumulative impacts.” Taking a “broad cross-media perspective of affected resource topics” during scoping “may help ensure potential human health and environmental effects on minority populations and low-income populations are considered.” As follow up to the scoping process, the report suggests that agencies consider documenting the “rationale for any scoping determinations made concerning minority populations and low-income populations (e.g., alternatives development, mitigation measures)” and notes that a post-scoping summary report may assist agencies in keeping the community informed and improve the prospects for meaningful engagement later in the NEPA process.

Defining the Affected Environment – Input from many sources, including minority populations and low-income populations, may provide “useful insight into how the community’s conditions, characteristics, and/or location can influence the extent of the affected environment.” The report suggests consideration of the “unique conditions (e.g., ecological, aesthetic, historic, cultural, economic, social, or health) of the potentially affected minority populations and low-income populations” and of exposure pathways, among other factors, when defining the affected environment. It adds that the affected environment may not be contiguous.

Developing and Selecting Alternatives – The report identifies several opportunities to involve the local community and others in the development of alternatives, including by providing the purpose and need statement to “help focus public input regarding appropriate reasonable alternatives” and “encouraging communities to propose their own alternatives.” The report states that agencies can be informed by including “a comparable level of detail concerning issues affecting minority populations and low-income populations” and that agencies may wish to consider which alternative has the “least adverse impact to minority populations and low-income populations” when identifying the preferred alternative.

Identifying Minority Populations – The report describes three approaches that agencies have used to identify minority populations.

- *Meaningfully Greater* analysis involves comparing the percentage of minority population in the affected

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¹ The EJ IWG NEPA Committee includes representatives of the U.S. Departments of Agriculture, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, the Interior, Justice, State, and Transportation; EPA; Nuclear Regulatory Commission; Veterans Administration; and Council on Environmental Quality.

EJ Promising Practices *(continued from previous page)*

area to a reference population. The choice of affected area (e.g., census block), reference population, and definition of “meaningfully greater” varies by agency and proposed action.

- In a *Fifty Percent* analysis, an agency determines whether the “percentage of minorities residing within the geographic unit of analysis meets or exceeds 50%”; a *Fifty Percent* analysis may be followed by a *Meaningfully Greater* analysis.
- A *No Threshold* analysis reports the “percent minority for each geographic unit of analysis within the affected environment.”

The report states that, “Some populations may not be fully accounted for in Census data. As appropriate, agencies can consider using local sources of data (including data provided by the community and Tribes) to conduct the No Threshold analysis.” The report cautions that, “Selecting a geographic unit of analysis (e.g., county, state, or region) without sufficient justification may portray minority population percentages inaccurately by artificially diluting their representation within the selected unit of analysis.”

Identifying Low-Income Populations – Agencies often conduct this analysis based on poverty level using the Census Bureau’s poverty thresholds or agency-specific poverty guidelines. The report notes that there is more than one way to assess low-income thresholds (e.g., proportion of individuals, households, or families with children below the poverty level). The report also notes that, “In some instances, it may be appropriate for agencies to select a threshold for identifying low-income populations that exceeds the poverty level.”

The analytic approaches described in the report involve comparing population groups at or below the selected threshold level. As it does for minority populations, the report cautions that the choice of geographic area for analysis may artificially dilute the representation of low-income populations.

Impacts – When assessing potential impacts, an agency can consider unique conditions among minority populations and low-income populations (e.g., unique routes of exposure or cultural practices) that may affect impact estimates and the potential “for any unique or amplified impacts” to transient or geographically dispersed minority populations and low-income populations. The report notes that there may be cultural differences “regarding what constitutes an impact or the severity of an impact” and that responsible opposing views, “including views regarding an impact’s status as disproportionately high and adverse, may warrant discussion in a NEPA document.”

Disproportionately High and Adverse Impacts –

A conclusion that impacts to the general population are insignificant does not, in itself, the report explains, demonstrate that there are no disproportionately high and adverse impacts to minority populations or low-income populations. As noted above, there may be special exposure pathways or other factors that amplify potential impacts to certain populations. The report states that a determination of disproportionately high and adverse impacts may lead an agency to “consider heightening its focus on meaningful public engagement regarding community preferences, considering an appropriate range of alternatives (including alternative sites), and mitigation and monitoring measures.”


Agencies’ approaches should not determine that a proposed action or alternative would not have a disproportionately high and adverse impact on minority populations and low-income populations solely because the potential impacts of the proposed action or alternative on the general population would be less than significant (as defined by NEPA).

– Promising Practices report

Mitigation and Monitoring – The report points out that the “unique characteristics and conditions of minority populations and low-income populations” may require “adaptive and innovative mitigation measures.” The report also notes that, “Agencies may wish to evaluate mitigation measures even if the project will have some benefits to minority populations and low-income populations.” Agencies can discuss monitoring plans with affected communities to “improve the effectiveness of monitoring efforts,” the report states, and may identify in a NEPA document those “mitigation and monitoring measures designed specifically to address impacts to minority populations and low-income populations.”

Feedback Requested

The *Promising Practices* report is not guidance. It is a collection of successful ideas from which all federal agencies can draw to develop their approaches to address EJ in their NEPA processes. The NEPA Office will be collecting feedback over the next few months on ways the report can benefit DOE and ways to build on the report. These ideas will be shared with the EJ IWG this summer.

The report will be available on the EJ IWG’s [website](#) and the DOE NEPA [Website](#) in March. For more information, contact Suzi Ruhl (ruhl.suzi@epa.gov) or Denise Freeman (denise.freeman@hq.doe.gov). 

Consider Availability of References When Planning to Issue a NEPA Document

Providing easy access to the references cited in a NEPA document enhances transparency and opportunities for public involvement. By being proactive – for example, making references available when a draft EIS is issued for public review – DOE can improve relations with the public and avoid requests for comment period extensions due to the unavailability of reference documents.

A NEPA document may rely on references for a variety of purposes, such as to identify the source of data or to explain models used in the analysis. In order to “cut down on bulk,” DOE may briefly describe and cite (rather than repeat) pre-existing material to integrate it into a NEPA analysis so long as the material “is reasonably available for inspection by potentially interested persons within the time allowed for comment” (40 CFR 1502.21).

However a reference is used, DOE is relying on it to help demonstrate the thoroughness and quality of its analysis. People who want to independently review that analysis often need access to reference documents.

Plan Ahead for Reference Access

As new references are identified, gather the documents and prepare them for release. Doing so throughout the NEPA process can be easier than backtracking when a document is nearly complete. It can also help avoid delays associated with preparing a reference document for public release.


- If a contractor is supporting preparation of the NEPA document, include providing a copy of reference documents among the deliverables.
- When it will not affect the quality of the referenced information, use a document already cleared for public release. Otherwise, arrange any required reviews (e.g., for sensitive information) to be consistent with

plans for release of the draft or final NEPA document. When possible, redact text from a document, rather than withhold the entire document.

Approach Depends on the Reference

Most reference documents are distributed as pdf files.

- For example, DOE sometimes posts the reference documents on the EIS website at the time of the EIS’s release. In other cases, DOE includes the references on disk with distribution of the NEPA document. For documents publicly available online, DOE sometimes provides a link to those documents in the reference section rather than posting the full documents; re-check links immediately before publication of the NEPA document.
- If a document cannot be made publicly available online (e.g., copyrighted journal articles), add the reference document to the library or reading room where the EIS is available for public review.
- Some references, such as data maintained in a Geographic Information System (GIS), may require special software to view. These references, and the required software, can be shown in the reference list under a special category such as “GIS References.”
- In the reference list printed in the NEPA document, explain where and how stakeholders can access reference documents. Note which reference documents are partially redacted or not available.

For more information or to share other examples of effective ways to manage reference documents, contact Bill Ostrum, Office of NEPA Policy and Compliance (william.ostrum@hq.doe.gov or 202-586-4149). 

CEQ NEPA Regulations, 40 CFR 1502.21: *Incorporation by reference*

Agencies shall incorporate material into an environmental impact statement by reference when the effect will be to cut down on bulk without impeding agency and public review of the action. The incorporated material shall be cited in the statement and its content briefly described. No material may be incorporated by reference unless it is reasonably available for inspection by potentially interested persons within the time allowed for comment. Material based on proprietary data which is itself not available for review and comment shall not be incorporated by reference.

Training Opportunities

National Environmental Justice Conference and Training Program and National Conference on Health Disparities Washington, DC; March 9–12, 2016



2016 National Environmental Justice Conference
& Training Program

A National Dialogue for Building Healthy Communities is the theme of the 2016 National Environmental Justice Conference and Training Program, which will be held jointly with the Ninth Annual National Conference on Health Disparities on March 9–12 in Washington, DC. The conference, sponsored by DOE, other federal agencies, the Howard University School of Law, and private industry partners, is free to government employees, community organizations, students, and faculty.

One of several training workshops will address incorporating environmental justice and climate change into NEPA reviews. Other sessions will include panels on the impacts of climate change on human health and the environment, the connection between public health and environmental justice, and the role of environmental exposure in reducing health disparities. Additional information is available on the [conference website](#).

National Association of Environmental Professionals Chicago; April 11–14, 2016

The National Association of Environmental Professionals (NAEP) will hold its 41st annual conference April 11–14 in Chicago with a theme of *Charting the Next 40 Years of Environmental Stewardship*. Presentations will explore NEPA regulatory developments, guidance, litigation outcomes, public involvement, and analytical techniques.



The opening address will be presented by Karen Weigert, Chief Sustainability Officer, City of Chicago. The keynote speaker will be Cameron Davis, Senior Advisor to the EPA Region 5 Administrator on the Great Lakes Restoration Initiative, which coordinates with Canada and brings together federal, state, tribal, local, and industry partners to restore and protect the world's largest freshwater system.

On April 13, the NAEP Conference will present panel discussions on the Cohen NEPA Summit, a 2-day symposium held in December 2014 in honor of the work and service of William M. Cohen who, before his death in 2010, was one of the nation's leading NEPA practitioners, instructors, and mentors. The dual purposes of the Cohen NEPA Summit were to examine whether and how NEPA has achieved its objectives and to identify possible improvements. The NAEP panels will disseminate the recommendations of the Summit and solicit ideas from conference attendees on how to improve NEPA practice. Additional information is available on the NAEP [conference website](#).

Migratory Bird Conservation Training Washington, DC; May 24–26, 2016

DOE has rescheduled its migratory bird conservation training to be presented by the U.S. Fish and Wildlife Service (FWS) at DOE Headquarters (Forrestal Building). Snowed out from its initially scheduled offering in January, the training will take place on May 24–26.



The program includes sessions related to NEPA. “We will discuss common questions and issues that NEPA practitioners often encounter when trying to incorporate the Migratory Bird Treaty Act into their NEPA documents,” said Lesley Kordella, one of the FWS trainers. Topics will include environmental laws relevant to migratory bird protection and how to address migratory birds in evaluating the affected environment, impact analysis, cumulative impacts, and mitigation. The training also will include a session on issues specific to DOE and its current Memorandum of Understanding with FWS regarding implementation of [Executive Order 13186](#), *Responsibilities of Federal Agencies to Protect Migratory Birds*.

Registration is open to all federal agency staff. For further information, including the agenda, contact Beverly Whitehead, Office of Sustainable Environmental Stewardship, at beverly.whitehead@hq.doe.gov or 202-586-6073.

The listing of any privately sponsored conferences or training events should not be interpreted as an endorsement of the conference or training by the government.

Transitions

New NEPA Compliance Officers

Nuclear Energy: Jay Jones

Jay Jones was designated NCO for the Office of Nuclear Energy (NE), following the retirement of **Raj Sharma** (*LLQR*, December 2015, page 9). For 33 years, Mr. Jones has served in technical and management positions in NE, as well as the former Office of Civilian Radioactive Waste Management, where he worked on the EIS for a geologic repository at Yucca Mountain. He is currently a staff member in NE's Nuclear Fuels Storage and Transportation Planning Project, where his duties include overseeing environmental compliance documentation, serving as principal point of contact for tribal relations, participating in consent-based siting aspects for an interim storage facility and repository for spent nuclear fuel and high-level radioactive waste, engaging with stakeholders, and coordinating on the international aspects of radioactive waste management. Before joining DOE, he worked for 3 years with the U.S. Bureau of Mines as a field geologist. Mr. Jones attended the University of Virginia, majoring in Environmental Sciences, and Boston College for graduate studies in Geology. He can be reached at jay.jones@hq.doe.gov or 202-586-1330.



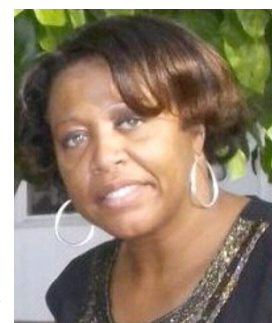
NNSA, Nevada Field Office: Carrie Stewart

Carrie Stewart was designated NCO for the National Nuclear Security Administration (NNSA) Nevada Field Office after the retirement of **Linda Cohn** (*LLQR*, December 2015, page 10). In addition to serving as the NCO, Ms. Stewart is responsible for the Office's Cultural Resources Management Program, American Indian Consultation Program, Community Environmental Monitoring Program, and Ecology Program. She has 27 years of experience managing and preparing NEPA documents and providing regulatory support to several federal agencies including DOE. Before joining DOE, she owned an environmental consulting business specializing in NEPA and permitting, and worked for national environmental and engineering firms in Las Vegas. Ms. Stewart holds a Bachelor of Science in Geology, a Master of Arts in Computer Resources and Information Systems, and a Master of Arts in Human Resources and Development. She can be reached at carrie.stewart@nnsa.doe.gov or 702-295-0077.



Savannah River Operations Office: Tracy Williams

Tracy Williams, the new NCO for the Savannah River Operations Office, is the Senior Technical Advisor for the NEPA and Natural Resources Team, within the Environmental Quality Management Division in the Office of the Assistant Manager for Infrastructure and Environmental Stewardship. She is responsible for overseeing and directing preparation of all NEPA documents and providing NEPA technical support to line organizations. (**Drew Grainger**, the Office's long-serving NCO, retired in March 2015 (*LLQR*, March 2015, page 16).) Ms. Williams has nearly 28 years of experience in environmental compliance, sustainability, and management. Before joining DOE, she worked for the Alabama Department of Environmental Management, Lockheed Martin/Bechtel Jacobs LLC, and the Anniston Army Depot. Ms. Williams holds a Bachelor of Science in Mathematics and Chemistry, and a Master of Science in Civil Engineering. She can be reached at tracy.williams@srs.gov or 803-952-8278.



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Horst Greczmiel: Insights in LLQR *(continued from page 3)*

- CEQ has focused attention on involving cooperating agencies because “the sooner you engage the people who are going to be affected . . . the better off you will be as you go through the process. . . . [Y]ou’ll get a lot better product because you’re focusing on the things that matter to the people on the ground.” (December 2005, page 8)
- “Public involvement for an EA is required, but what you do varies because EAs vary in terms of their potential significance. . . . You owe it to yourself and your organization to reach out and provide quality information to the people who care, so that they have an opportunity to participate in a meaningful way.” (June 2006, page 6)
- One thing he hates to see on page one of an EIS, he confided, is a statement that “this NEPA document is being prepared to comply with NEPA and the CEQ and agency NEPA regulations.” An EIS is prepared to inform the public and decisionmakers of the environmental consequences of proposals, of course. (June 2007, page 14)
- When people refer to NEPA as “just a process,” they are forgetting the goal set forth in Section 101 of NEPA – “to create and maintain conditions under which man and nature can exist in productive harmony.” (June 2008, page 6)
- NEPA documents do not need to repeat information from another source in its entirety, under 40 CFR 1502.21, *Incorporation by reference*, but must briefly describe the materials referenced and their relevance to the current analysis. Writers must also make sure that any references are available to readers. (June 2008, page 7)
- “Focus on what counts.” (June 2008, page 7)
- “NEPA began a brand new chapter in the way America treats the public.” (June 2010, page 1)
- NEPA is not an umbrella to hold up and cover other environmental statutes. “It’s an upside down umbrella to contain all those statutes, to bring it all together.” (June 2010, page 10) LL

Transitions *(continued from previous page)*

New Assignments

NNSA, Sandia Field Office (Albuquerque Complex) and Los Alamos Field Office

Karen Oden, formerly the NCO for the NNSA Los Alamos Field Office, is now assigned to the NNSA Sandia Field Office Engineering Group and serves as the NCO for the Albuquerque Complex. She can be reached at karen.oden@nnsa.doe.gov or 505-845-5162.

NNSA NCOs **Jane Summerson** (jane.summerson01@nnsa.doe.gov or 505-845-4091) and **John Weckerle** (john.weckerle@nnsa.doe.gov or 505-845-6026) are providing assistance to the Los Alamos Field Office as acting NCOs for NNSA activities. For NEPA-related inquiries regarding Office of Environmental Management (EM) activities at the Los Alamos Field Office, contact **Julie Smith**, EM’s Acting NCO (juliea.smith@hq.doe.gov or 202-586-7668).

National Energy Technology Laboratory

As a result of the American Recovery and Reinvestment Act (enacted February 2009), the Office of Fossil Energy’s National Energy Technology Laboratory (NETL) received a large number of grant proposals requiring NEPA review. To meet the expanded workload, in 2009 and 2010, NETL increased the NCO team from two to nine at its offices in Morgantown, West Virginia, and Pittsburgh. Since that work was completed, the NETL NCO team has been getting smaller through retirement and reorganization. **Cliff Whyte**, formerly Director of the Environmental Compliance Division, now serves as Acting Associate Director of Business Integration at NETL and is no longer an NCO.

On behalf of the DOE NEPA Community, we thank Cliff for his service as NCO since 2009 and as the NEPA Document Manager for several major EISs. We especially appreciate his article offering practical and humorous advice on managing major NEPA documents, Eating the NEPA Elephant (LLQR, September 2013, page 12), which deserves a second reading.

EAs and EISs Completed October 1 to December 31, 2015

EAs¹

Golden Field Office/Office of Energy Efficiency and Renewable Energy

[DOE/EA-1970](#) (12/21/15)

Fishermen's Atlantic City Windfarm,

Offshore Atlantic City, New Jersey

The cost for this EA was paid by the applicant; therefore, cost information does not apply to DOE.
Time: 17 months

[DOE/EA-2004](#) (10/5/15)

Seneca Nation Wind Turbine Project,

Cattaraugus Territory, Erie County, New York

The cost for this EA was paid by the applicant; therefore, cost information does not apply to DOE. [DOE and the Seneca Nation were co-leads in the preparation of this EA.]

Time: 20 months

[DOE/EA-2017*](#) (8/17/15)

Braddock Locks and Dam Hydro Electric Project,
Allegheny County, Pennsylvania

EA was adopted; therefore, cost and time data are not applicable to DOE. [The Federal Energy Regulatory Commission was the lead agency; DOE was not a cooperating agency.]

Los Alamos Field Office/ Office of Environmental Management

[DOE/EA-2005](#) (12/16/15)

Chromium Plume Control Interim Measure and Plume-Center Characterization, Los Alamos National Laboratory, Los Alamos, New Mexico

Cost: \$460,000

Time: 11 months

National Energy Technology Laboratory/ Office of Fossil Energy

[DOE/EA-1976](#) (10/19/15)

Emera CNG, LLC. Compressed Natural Gas Project,
Palm Beach County, Florida

The cost for this EA was paid by the applicant; therefore, cost information does not apply to DOE.

Time: 21 months

National Nuclear Security Administration

[DOE/EA-2024](#) (12/28/15)

Gap Material Plutonium – Transport, Receipt, and Processing, Aiken County, South Carolina

Cost: \$130,000

Time: 6 months

Portsmouth/Paducah Project Office/ Office of Environmental Management

[DOE/EA-1927](#) (12/14/15)

Paducah Gaseous Diffusion Plant Final Environmental Assessment for Potential Land and Facilities Transfers, McCracken County, Kentucky

Cost: \$230,000

Time: 44 months

Y-12 Site Office/National Nuclear Security Administration

[DOE/EA-2014](#) (9/25/15)

Emergency Operations Center Project,

Oak Ridge, Tennessee

Cost: \$195,000

Time: 36 months

EISs

Office of Electricity Delivery and Energy Reliability

[DOE/EIS-0486](#) (80 FR 70206, 11/13/15)

(Draft EIS EPA Rating: LO)

Plains & Eastern Clean Line Transmission Line Project

The cost for this EIS was paid by the applicant; therefore, cost information does not apply to DOE.

Time: 40 months

[DOE/EIS-0499](#) (80 FR 68867, 11/6/15)

(Draft EIS EPA Rating: EC-2)

Great Northern Transmission Line Project, Roseau, Lake of the Woods, Koochiching, Beltrami, and Itasca Counties, Minnesota

The cost for this EIS was paid by the applicant; therefore, cost information does not apply to DOE.

Time: 17 months

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¹ EA and finding of no significant impact (FONSI) issuance dates are the same unless otherwise indicated.

* Adopted

EAs and EISs Completed *(continued from previous page)*

DOE/EIS-0503 (80 FR 68867, 11/6/15)
(Draft EIS EPA Rating: EC-2)
New England Clean Power Link Project, Grand Isle, Chittenden, Addison, and Windsor Counties, Vermont
The cost for this EIS was paid by the applicant; therefore, cost information does not apply to DOE.
Time: 16 months

Western Area Power Administration
DOE/EIS-0474 (80 FR 68867, 11/6/15)
(Draft EIS EPA Rating: EC-2)
Southline Transmission Line Project, Arizona and New Mexico
The cost for this EIS was paid by the applicant; therefore, cost information does not apply to DOE. [The Bureau of Land Management and DOE were co-lead agencies.]
Time: 43 months

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 <http://www2.epa.gov/nepa/environmental-impact-statement-rating-system-criteria>.)

NEPA Document Cost and Time Facts¹

EA Cost and Completion Times

- For this quarter, the median cost for 4 EAs for which cost data were applicable was \$213,000; the average was \$254,000.
- For this quarter, the median completion time for 7 EAs for which time data were applicable was 17 months; the average was 19 months.
- Cumulatively, for the 12 months that ended December 31, 2015, the median cost for the preparation of 11 EAs for which cost data were applicable was \$197,000; the average was \$386,000.
- Cumulatively, for the 12 months that ended December 31, 2015, the median completion time for 18 EAs for which time data were applicable was 19 months; the average was 21 months.

EIS Cost and Completion Times

- For this quarter, there were no EISs completed for which cost data were applicable.
- For this quarter, the median completion time for 4 EISs for which time data were applicable was 26 months; the average was 27 months.
- Cumulatively, for the 12 months that ended December 31, 2015, the median cost for the preparation of 3 EISs for which cost data were applicable was \$1,470,000; the average was \$4,190,000.
- Cumulatively, for the 12 months that ended December 31, 2015, the median completion time for 11 EISs for which time data were applicable was 43 months; the average was 49 months.

¹ For EAs, completion time is measured from EA determination to final EA issuance; for EISs, completion time is measured from the Federal Register notice of intent to the EPA notice of availability of the final EIS.

Questionnaire Results

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

- *Revised proposal.* As a result of the scoping process, the proposal was revised accordingly, allowing a clearer and more focused analysis of the potential environmental impacts of the program.
- *Identifying logistical problems.* The scoping process identified elements of the proposed action that were potentially problematic from a logistical standpoint.

Data Collection/Analysis

What Worked

- *Close collaboration.* There was close collaboration with resource agencies (e.g., National Oceanic and Atmospheric Administration, U.S. Fish and Wildlife Service) to ensure that the impact analysis and methodologies that were used would be acceptable for their areas of jurisdiction.

What Didn't Work

- *Obtaining data.* The EA contractor did not provide calculation/modeling packages with the preliminary draft EA, as requested. As a result, additional effort was required of the DOE technical reviewers to obtain access to this essential information.
- *Initiating research late.* A Federal Aviation Administration study and process to reach a No Hazard to Air Navigation was not initiated in a timely manner by the project proponent to obtain necessary approvals.

Schedule

Factors that Facilitated Timely Completion of Documents

- *Frequent conference calls.* Frequent conference calls kept everyone aware of EA progress.

- *Revised schedule as needed.* After the review of each draft document, the EA contractor was asked to revise the schedule to consider impacts to the EA preparation time that would result from the proposed changes.
- *Frequent communication.* Frequent communication facilitated timely completion of the EA. Usually daily, but no less than weekly, communication among the co-lead agencies and the EA contractor on progress was essential to timely completion of the EA.
- *Anticipating potential problems.* The anticipation of potential problems before they occurred helped to identify viable solutions and to stay on schedule.
- *Commitment to schedule.* The NEPA team adhered to the project schedule as much as possible.

Factors that Inhibited Timely Completion of Documents

- *Cooperating agency not committed to schedule.* A cooperating agency did not adhere to the agreed upon schedule for draft document reviews.
- *Disagreement on EA structure.* Disagreement associated with establishing the EA organization, technical content, and editorial quality made timely completion of the EA difficult.
- *State Historic Preservation Officer (SHPO) concurrence.* The SHPO concurrence on the Section 106 determination took a lot more time than was allotted in the EA preparation schedule.
- *New threatened species listing.* The listing of a new threatened species in the middle of the EA preparation led to increased document preparation time.

Teamwork

Factors that Facilitated Effective Teamwork

- *Team members' co-location.* Having all NEPA team members (including EA contractor) located in the same physical location facilitated effective teamwork.

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Questionnaire Results

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

- *Memorandum of Understanding (MOU)*. A MOU with the project proponent and the EA contractor facilitated teamwork because everyone understood their responsibilities.
- *Rapid resolution of issues*. Frequent communication via phone and e-mail facilitated rapid resolution of issues.

Factors that Inhibited Effective Teamwork

- *Ineffective communication strategy*. The communication strategy established for the co-lead agencies and the EA contractor was not efficient and led to delays.
- *Differing opinions on Section 7 consultation*. The co-lead agencies and the EA contractor had different ideas in regard to how to address Section 7 consultation.

Process

Successful Aspects of the Public Participation Process

- *Extensive planning and training*. Extensive planning conducted prior to public meetings included training of subject matter experts to ensure they were prepared for public dialog and understood the purpose of the public meeting.
- *Favorable public input*. Limited public input was received; however, it was mostly favorable.

Unsuccessful Aspects of the Public Participation Process

- *Problematic mail distribution*. The proposed location for the project was a rural area where many people did not have street mail delivery. Therefore, physical mail distribution did not reach as many people as expected.
- *No public feedback*. DOE did not receive any feedback from the public on the NEPA process.
- *Not including NCO in communications plan development*. The program office coordinated with some organizations in developing a communications

plan (it is not clear whether it was ever finalized). However, the NCO was not informed that the communications plan had been developed. Therefore, the timing of the final EA and FONSI release were not consistent with the content of the plan and what the public had expected.

Usefulness

Agency Planning and Decisionmaking: What Worked

- *Addressing siting issues*. The NEPA process helped adjust the scope of the proposed action by identifying and finding solutions to project siting issues that were identified during scoping.
- *Packaging issue resolved*. The NEPA process identified and addressed a material packaging issue that the program office had not previously identified.
- *Informed decisionmaking*. The NEPA process led to a clear understanding of potential environmental impacts, and measures taken to avoid them were used by the agency in decisionmaking.

Enhancement/Protection of the Environment

- *Minimization of environmental impacts*. Information developed during the NEPA process was incorporated in the EA to minimize environmental impacts.
- *Protection of environment*. As a result of the NEPA process, the proposed action was configured to include measures protective of the environment.

Other Issues

Guidance Needs Identified

- *Property transfers*. Additional guidance is needed regarding the applicability of categorical exclusions versus the need to prepare EAs for property transfers.
- *Managing contractor performance*. Detailed guidance for NEPA Document Managers on managing contractor performance would be valuable.

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

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.

For the past quarter, in which 4 EA questionnaire responses were received, 3 respondents rated the NEPA process as “effective.”

- A respondent who rated the process as “5” stated that the NEPA process identified issues that the program office had not identified previously.
- A respondent who rated the process as “4” stated that due to the “newness” of technology, the decisionmakers did pay more attention to the NEPA process and outcomes prior to their decisionmaking.
- A respondent who rated the process as “4” stated that without the NEPA process, multiple resource areas may have been impacted more.
- A respondent who rated the process as “2” stated that a prior NEPA process and EA helped to support DOE decisionmaking.