

**LESSONS
LEARNED**

March 1, 2005; Issue No. 42

First Quarter FY 2005

New Assistant Secretary Shaw Promotes NEPA as Essential to Energy Mission and Goals

In a recent interview for *Lessons Learned Quarterly Report*, John Spitaleri Shaw, the new Assistant Secretary for Environment, Safety and Health (EH), enthusiastically expressed his view of the value of the NEPA process to the Department of Energy (DOE): “NEPA is an essential platform for providing useful information to decisionmakers and the public, supporting good decisionmaking, and thus advancing DOE’s mission. Without NEPA, we would likely experience significant deficiencies in protecting the environment for future generations.”

NEPA Supports DOE Decisionmaking and Environmental Protection

Mr. Shaw views NEPA as fundamental to informed decisionmaking: “Once environmental resources are significantly damaged, we generally cannot go back to remedy things. It is important to consider environmental factors from the beginning.” NEPA requires consideration of different ways of meeting a need, he continued. “This process can identify alternatives, features, or mitigations that improve a proposal. At its best, by promoting the identification of adverse impacts before project implementation, NEPA helps avoid unintended consequences, unnecessary adverse impacts, and implementation delays.”

Early planning, Assistant Secretary Shaw believes, is key to effective use of NEPA for environmental protection. “In the earliest stages of project development, we should start thinking about strategies for NEPA compliance, as well as for implementing other environmental programs, such as pollution prevention and environmental management systems,” he stated.

EH Is Dedicated to Assisting Senior Managers

Mr. Shaw discussed his plans to provide support to Departmental Offices in their NEPA reviews. “I want to ensure that senior managers continue to be engaged in planning and executing an effective NEPA compliance program, one that supports timely implementation of the Department’s programs and projects as well as sound

environmental policies and practices. I have already taken steps to communicate with all Program and Field Offices regarding the importance of NEPA, especially as a tool for assisting the Department in its environmental efforts, and offered my Office’s assistance. I plan to meet with each Secretarial Officer to discuss how to integrate the NEPA process with planning and decisionmaking, review the status of each Program’s NEPA compliance activities, and explore how my Office can best assist in the NEPA process.” (See text box, page 3.)

Mr. Shaw wants the Department to continue to look to EH to help provide the leadership and tools for using the NEPA process to support good decisionmaking. “To ensure success in DOE’s NEPA

(continued on page 3)



John Spitaleri Shaw tells us that the Department’s environmental program is what attracted him to DOE when he was outside the government.

Green Book, Second Edition, Issued; see page 4

Inside *LESSONS LEARNED*

Welcome to the 42nd quarterly report on lessons learned in the NEPA process. We are pleased to introduce our new Assistant Secretary for Environment, Safety and Health. John Spitaleri Shaw is a strong supporter of good NEPA compliance, as evidenced during our interview with him and in his February 16, 2005, memorandum, both of which are summarized in this issue.

| | |
|---------------------------------------------------|----|
| Updated <i>Green Book</i> Issued | 4 |
| New Forest Service Regulations | 6 |
| EIS Distribution Guidance in Preparation | 7 |
| CEQ Revises Cooperating Agency Reporting | 8 |
| IAIA Conference | 9 |
| NAEP Conference | 10 |
| Transitions | 11 |
| DOE-wide NEPA Contracts Update | 12 |
| Litigation Updates | 13 |
| Training Opportunities | 14 |
| EAs and EISs Completed This Quarter | 16 |
| Cost and Time Facts | 17 |
| Recent EIS Milestones | 17 |
| First Quarter FY 2005 Questionnaire Results | 20 |

Carol Bongstrom
Director

Office of NEPA Policy and Compliance

Be Part of Lessons Learned

We Welcome Your Contributions

We welcome suggestions, comments, and contributed drafts for the *Lessons Learned Quarterly Report*. We especially seek case studies illustrating successful NEPA practices. Draft articles for the next issue are requested by May 2, 2005. Contact Yardena Mansoor at yardena.mansoor@eh.doe.gov or 202-586-9326.

Quarterly Questionnaires Due May 2, 2005

Lessons Learned Questionnaires for NEPA documents completed during the second quarter of fiscal year 2005 (January 1 through March 31, 2005) should be submitted by May 2, but preferably as soon as possible after document completion. The Questionnaire is available interactively on the DOE NEPA Web site at www.eh.doe.gov/nepa under Lessons Learned Quarterly Reports. For Questionnaire issues, contact Vivian Bowie at vivian.bowie@eh.doe.gov or 202-586-1771.

LLQR Online

Current and past issues of the *Lessons Learned Quarterly Report* are available on the DOE NEPA Web site at www.eh.doe.gov/nepa. Also on the Web site is a cumulative index of the *Lessons Learned Quarterly Report*. The index is printed in the September issue each year.

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EH Brief Provides Information on Consultation with Native Americans


The Office of Air, Water and Radiation Protection Policy and Guidance, Office of Environment, Safety and Health, issued an information brief in December 2004 on consulting with American Indian and Alaska Native tribal governments. Consultation is defined as a government-to-government process of seeking, discussing, and considering the views of others on a wide range of environmental and cultural resource management issues. Consultation requirements are based on the special relationship between the Federal government and tribal governments and are included in treaties, Executive Orders, and Federal laws.

The information brief identifies existing requirements, lists non-DOE resources for identifying participants in the consultation process, and summarizes the consultation process. The brief is intended to assist DOE managers in fulfilling their consultation responsibilities and building stable and enduring relationships with tribes. It does not contain any new Departmental policy or guidance.

DOE NEPA regulations contain provisions for notifying tribes of NEPA actions and soliciting comments from tribes (10 CFR 1021.301). In addition, the Council on

Environmental Quality's NEPA regulations state that tribes may be cooperating agencies in NEPA reviews (40 CFR 1508.5).

DOE has issued guidance, *Effective Public Participation under the National Environmental Policy Act, Second Edition* (August 1998) that lists requirements specific to NEPA and presents recommendations applicable to all consultations, including those with tribal governments. DOE's *Directory of Potential Stakeholders for DOE Actions under NEPA* (July 2004) identifies Departmental points of contact for American Indian and Alaska Native tribal issues, who can assist in identifying appropriate participants for consultation regarding NEPA reviews. Both documents are available on the DOE NEPA Web site (www.eh.doe.gov/nepa) under Guidance.

The information brief is available at www.eh.doe.gov/oepa/cultural under Policy & Guidance Documents. For more information, contact Lois Thompson, Office of Air, Water and Radiation Protection Policy and Guidance, at lois.thompson@hq.doe.gov or 202-586-9581. 

Assistant Secretary Shaw Promotes NEPA

(continued from page 1)

process, it is incumbent on EH to work hand-in-hand with other DOE Offices, not only on fundamental environmental concepts but also in implementing our NEPA guidance. My staff will continue to work extensively with NEPA Compliance Officers and NEPA Document Managers, providing technical assistance to help them meet their responsibilities.”

Guidance, Available Online, Is a Valuable NEPA Tool

“EH also provides many tools to facilitate NEPA compliance,” Mr. Shaw noted, referring to the DOE NEPA Web site (www.eh.doe.gov/nepa), which provides a comprehensive collection of NEPA guidance; milestone, status, and public involvement information for DOE NEPA reviews in progress; and annual NEPA planning summaries. “My Office will continue to develop NEPA guidance in response to the needs and priorities identified by the DOE NEPA Community,” he committed.

Mr. Shaw emphasized that EH has issued extensive NEPA guidance on conducting an effective NEPA process and preparing adequate NEPA documents, especially environmental impact statements. “Our guidance should be followed. As a Department, there is always room for improvement, and I encourage Program and Field Offices to more diligently implement our guidance, which will help them carry out their environmental responsibilities.”

In response to a question about using the Internet in the NEPA process, Mr. Shaw said, “EH is committed to

Shaw Reaches Out to DOE Managers on NEPA Implementation

Assistant Secretary Shaw issued a memorandum to Secretarial Officers and Heads of Field Organizations on February 16, 2005, that is a strong statement in support of NEPA, noting that this year marks the 35th anniversary of that “landmark legislation for the protection of our environment.” He urges continued top management engagement in the NEPA process, states his intention to meet with each Program head regarding NEPA issues and activities, comments on the value of annual planning summaries, and acknowledges the contributions of NEPA Compliance Officers and NEPA Document Managers.

The memorandum is available on the DOE NEPA Web site at www.eh.doe.gov/nepa under Guidance.

My vision is for a strengthened environmental component in the Department’s programs where the best NEPA practice allows DOE to meet its overall mission and improve its standing in affected communities.

– John Spitaleri Shaw
February 16, 2005, Memorandum

support the President’s Management Agenda across the board. DOE was an early leader in using the Internet to provide access to guidance, NEPA documents, and NEPA process information. We will continue to pursue e-government activities in our NEPA program.” He continued, “As Assistant Secretary, part of my civic duty to the President is to promote what is critical to achieving DOE’s goals. I am committed to strengthen – through good NEPA compliance – the environmental component in all of DOE’s strategic goals.”

EH is the “Green Conscience” of the Department

Mr. Shaw advocates personal responsibility for environmental goals. “I am the green conscience of the Department,” he said, “and I believe that acting on environmental values, even in small or symbolic ways, gets us in the habit of incorporating environmental stewardship in our larger actions – making it part of the Department’s way of doing business. Our actions reinforce our commitments. For this reason, I consider individual behaviors such as recycling, office energy conservation, and Earth Day observance to be worthwhile. Turn off those lights and computers when they’re not in use!”

John Spitaleri Shaw was sworn in as Assistant Secretary for Environment, Safety and Health on January 11, 2005, after serving as Acting Assistant Secretary since July 2004. Mr. Shaw joined the Department in April 2002 as Principal Deputy Assistant Secretary for Environment, Safety and Health, working with DOE sites on matters concerning the health and safety of DOE employees, and then served as DOE’s Deputy Chief of Staff and White House Liaison. He has practiced law in the private sector and has served as Majority Counsel for the Senate Government Affairs Committee. Mr. Shaw is a graduate of Syracuse University and Catholic University of America Law School. LL

DOE Issues Updated, Expanded *Green Book*

The second edition of DOE's *Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements* was issued by the Assistant Secretary for Environment, Safety and Health in December 2004. The Office of NEPA Policy and Compliance updated the guidance with the assistance of DOE's NEPA Compliance Officers (NCOs) and the Office of the General Counsel to better meet the needs of DOE's NEPA Community.

We expect this guidance to promote clarity, accuracy, and consistency in preparing EAs and EISs to better support decisionmaking.

– John Spitaleri Shaw

Since its first publication in May 1993, the *Green Book*, as the document is commonly known, has been the cornerstone of DOE's expanding collection of NEPA guidance. (See text box, *Green Book* vs. *Green Books*.) The *Green Book* follows the format for an EIS recommended by the Council on

Environmental Quality (CEQ) in its NEPA regulations (40 CFR 1502.10). (See text box, page 5.) Most sections of the updated *Green Book* begin with a background summary of applicable requirements, and each section contains recommendations regarding the content of an EA or EIS.

A Year in the Making

"We started a year ago looking at how we could update the *Green Book* to reflect recent DOE topic-specific guidance and experience implementing NEPA," explained Jim Daniel, Unit Leader, NEPA Office. "We critically examined every paragraph. We didn't aim to change what wasn't broken, but we took a fresh look at the entire document."

The NEPA Office received more than 250 comments from DOE's NCOs in response to a request in spring 2004. (See *LLQR*, March 2004, page 1.) Most of these comments addressed proposed new sections on impacts and revisions to sections on alternatives, human health effects, and accident analysis. "Not every good suggestion could be used in updating the *Green Book*, however, as many suggestions focused on the NEPA process, while we had chosen to maintain the *Green Book*'s original focus on document content," explained Carl Sykes, who initially led the NEPA Office effort but is now with DOE's National Nuclear Security Administration.

The NEPA Office circulated the first draft update for review within the DOE NEPA Community in June 2004 and discussed proposed changes at the DOE NEPA Community Meeting in July 2004. (See *LLQR*, September

2004, page 9.) This input led the NEPA Office to circulate a second draft for comment in September 2004. The NEPA Office then worked closely with the Office of the General Counsel to finish the guidance.

New Recommendations Promote Flexibility

The *Green Book* encourages EIS preparers to anticipate possible outcomes in planning their EIS analyses. For example, DOE does not always select a single alternative as analyzed in an EIS, but might choose to combine elements of two or more alternatives – a "hybrid" approach that affords the decisionmaker flexibility. A complex waste stream, for example, might best be managed through a combination of technology alternatives. The updated *Green Book* encourages document preparers to consider this possible outcome early in the NEPA process and to separately address the impacts from discrete elements of an action (e.g., construction, operation, transportation).

A recommendation to promote flexibility advocates developing separate alternatives or sub-alternatives that allow a comparison of major mitigation options.

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Green Book vs. Green Books

While the *Green Book* refers to *Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements, Second Edition* (December 2004), seven other DOE guidance documents issued by the Office of Environment, Safety and Health have been printed with green covers and are listed below. Recommendations on document preparation contained in them (except for the two checklists) were summarized in the updated *Green Book*.

- *The EIS Comment-Response Process* (October 2004)
- *Recommendations for Analyzing Accidents under the National Environmental Policy Act* (July 2002)
- *Mini-guidance Articles from Lessons Learned Quarterly Reports* (November 2000)
- *Environmental Impact Statement Summary* (September 1998)
- *Glossary of Terms Used in DOE NEPA Documents* (September 1998)
- *Environmental Impact Statement Checklist* (November 1997)
- *Environmental Assessment Checklist* (August 1994)

All are available on the DOE NEPA Web site at www.eh.doe.gov/nepa under Guidance.

Updated *Green Book* Issued (continued from previous page)

This approach would help the decisionmaker to better understand and choose among mitigation options that would lessen the impacts of an alternative.

Other recommendations for flexibility emphasize the importance of identifying the range of reasonable alternatives. One such recommendation advocates the evaluation of technically feasible alternatives that appear impractical but could become reasonable if circumstances change. Another emphasizes the need for EAs to analyze alternatives.


I strongly urge the DOE NEPA Community to read and use the Green Book every day – at least Monday through Friday!

– Carol Borgstrom, Director, NEPA Office

Update Consolidates Guidance on a Gamut of Issues

Of the eight new sections in the *Green Book* that address impact areas, one is based on DOE regulations (Floodplain and Wetland Environmental Review Requirements, 10 CFR Part 1022), one on DOE NEPA Office topic-specific guidance (Clean Air Act conformity requirements), and two on CEQ guidance (Environmental Justice and Cumulative Impacts). A new section on Biological Impacts states that environmental monitoring requirements under DOE Order 450.1, *Environmental Protection Program*, may provide data for evaluating potential impacts. The section also notes that the DOE Standard, *A Graded Approach for Evaluating Radiological Doses to Aquatic and Terrestrial Biota* (DOE-STD-1153-2002), provides examples of representative species that could serve as indicators of radiological impacts.

The section on Compliance with Other Requirements now contains an expanded discussion on integrating other environmental reviews with the NEPA process. The section emphasizes that compliance with applicable requirements cannot be relied on as evidence that an alternative would not have potential for significant impact. A new section on Mitigation recommends considering mitigation for all impact areas and evaluating pollution prevention strategies and technologies beyond those inherent in an alternative.

The NEPA Office distributed 300 printed copies of the updated *Green Book* to the DOE NEPA Community and posted the document on the DOE NEPA Web site at www.eh.doe.gov/nepa under Guidance. For more information or printed copies, contact Jim Daniel at james.daniel@eh.doe.gov or 202-586-9760. 

Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements, Second Edition

Contents

1. How to Apply These Recommendations
2. Document Summary
3. Purpose and Need for Action
4. Description of Alternatives, Including the Proposed Action
 - 4.1 Proposed Action
 - 4.2 Range of Reasonable Alternatives
 - 4.3 No Action Alternative
 - 4.4 Describing Alternatives
5. Affected Environment
6. Environmental Impacts (Effects)
 - 6.1 Impact Identification and Quantification
 - 6.2 Human Health Effects
 - 6.3 Biological Impacts** NEW
 - 6.4 Transportation Impacts
 - 6.5 Accident Analysis
 - 6.6 Environmental Justice** NEW
 - 6.7 Cumulative Impacts** NEW
 - 6.8 Compliance with Other Requirements
 - 6.8.1 Endangered Species Act**
 - 6.8.2 Clean Air Conformity Requirements**
 - 6.8.3 Floodplain and Wetland Environmental Review Requirements** NEW
 - 6.8.4 National Historic Preservation Act**
 - 6.9 Mitigation** NEW
 - 6.10 Comparison of Impacts
 - 6.11 Conclusions in EAs and EISs
7. List of Preparers, List of Agencies and Persons Consulted, and Distribution List
8. Appendices, References, and Index
- 9. Responses to Comments** NEW
10. General Document Quality and Readability
 - 10.1 Objectivity
 - 10.2 Writing Quality
 - 10.3 Graphics and Data Treatment (Units, Statistics)
 - 10.4 Glossary** NEW

Forest Service Cuts EIS Requirement for Land Management Plans



The Forest Service, an agency of the Department of Agriculture, has issued final regulations that modify its land and resource management planning process and eliminate a requirement to prepare an EIS for each plan, a provision of Forest Service procedures in place since 1979. In conjunction with the new regulations (36 CFR Part 219; 70 FR 1023; January 5, 2005), the Forest Service published a proposed categorical exclusion (70 FR 1062) that would apply to these plans.

The new regulations state the Forest Service's current understanding that, based on its experience, a land management plan is comprised of five strategic components – such as identification of land uses suitable to an area – that do not approve projects or activities and, therefore, do not have specific impacts that can be analyzed in an EIS.

Regulations Link Environmental Management Systems and NEPA

The new Forest Service planning regulations (36 FR 219.5) require each of the 126 Forest Service administrative units to implement an environmental management system (EMS) that contains procedures for identifying environmental conditions and monitoring to keep such information current. "Therefore, through the implementation of EMS, administrative units will be continually collecting and evaluating the data necessary to create any documents that may be required by NEPA. This will make the creation of accurate and relevant NEPA documents more efficient," said the Forest Service in the preamble to its regulations.

NEPA Review to Focus on Proposed Projects

The first Forest Service planning regulations (adopted in 1979 and modified in 1982 and 2000) required preparation of an EIS for each land management plan. "At the time, the Forest Service believed that the NEPA document prepared for a plan would suffice for making most project-level decisions. However, the agency came to understand that this approach to complying with NEPA was impractical, inefficient, and sometimes inaccurate," the agency wrote in the preamble to its final regulations (page 1031). "Over the course of implementing [the National Forest Management Act] during the past 25 years, the agency has learned that environmental effects of projects and activities cannot be meaningfully evaluated without knowledge of the specific timing and location of the projects and activities."

The Forest Service states that it expects to complete more than 100 land management plans and revisions during the next decade (preamble to final regulations, page 1024). "At the time of plan approval," the agency stated, "the Forest Service does not have detailed information about what projects and activities will be proposed over the expected 15-year life of a plan, how many projects will be approved, where they will be located, or how they will be designed." The Forest Service continued, saying it "must expect the unexpected" and will face numerous situations where analyses contained in the EIS that accompanied a plan cannot be relied upon when considering specific projects and activities. For example, the Forest Service notes that fire, flood, insects, and disease may "make unanticipated projects necessary or force changes in the projects and the effects of projects that were contemplated," and that the extent of these changes "have made it increasingly impractical to tier project-level NEPA analysis and documentation to the plan EIS."

Forest Service Points to Supreme Court Decisions

The Forest Service cites two Supreme Court decisions in the justification for its proposed categorical exclusion for land management plans. In both, the Court made a distinction between a land management plan that sets goals and an agency decision that results in a specific Federal action.

In *Ohio Forestry, Inc. v. Sierra Club et al.* (1998), the Court determined that a challenge to the Forest Service land management plan for Ohio's Wayne National Forest was not ripe for judicial review. The Court concluded, "Although the Plan sets logging goals, selects the areas of the forest that are suited to timber production, and determines which 'probable methods of timber harvest' are appropriate, it does not itself authorize the cutting of any trees."

In *Norton et al. v. Southern Utah Wilderness Alliance et al.* (2004), the Court made a similar determination in a case involving a Department of the Interior, Bureau of Land Management plan. The Court wrote that "land use plans are a preliminary step in the overall process of managing public lands – 'designed to guide and control future management actions and the development of subsequent, more detailed and limited scope plans for resources and uses.'" (See *LLQR*, September 2004, page 20.)


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New Forest Service Regulations *(continued from previous page)*

If Adopted, Categorical Exclusion Would Be Added to *Handbook*

While Forest Service policies and broad procedures for the land management planning process are established in regulations (36 CFR Part 219), specific directives, instructions, responsibilities, and guidance are provided in the *Forest Service Handbook*, to which the Forest Service would add the new categorical exclusion (at 1909.15, Chapter 30, Categorical Exclusion from Documentation). The proposed categorical exclusion is for: “Development, revision, or amendment of land management plan components, or portions thereof, pursuant to 36 CFR part 219 *et seq.*, except where extraordinary circumstances exist as defined in section 30.3 paragraph 3.”

The Forest Service states that those extraordinary circumstances might arise from the “[d]evelopment, revision, or amendment of land management plans or components, or portions thereof, that propose projects or activities.” The Forest Service adds, “The degree of the effect of the project or activity on resource conditions, rather than the mere presence of resource conditions, determines whether further analysis and documentation in an EA or EIS is required.”

Public comment on the proposed categorical exclusion may be submitted through March 7, 2005. More information about the Forest Service land management planning regulations is available on the Web at www.fs.fed.us/emc/nfma/index2.html. The *Handbook* is available at www.fs.fed.us/im/directives. 

EIS Distribution Guidance in Preparation Who Gives What to Whom, When and How

Once approved and printed, an EIS needs to reach stakeholders in a timely manner and in a format useful to them to avoid potential EIS schedule and project delays. The DOE Office of NEPA Policy and Compliance is preparing guidance on EIS distribution to help NEPA Document Managers plan how best to meet Council on Environmental Quality (CEQ) and DOE regulations for EIS distribution and maximize benefits from stakeholder participation in the EIS process. Meeting challenges introduced by use of the Internet to identify potentially interested and affected parties and provide EISs to them will be highlighted.

Guidance to Outline Procedures, Provide Templates

The guidance will address procedures internal to DOE, e.g., developing and maintaining an EIS distribution list, obtaining concurrences and signatures on distribution letters, posting an EIS on the DOE NEPA Web site, and filing an EIS with the Environmental Protection Agency. Previous *LLQR* discussions on EIS distribution (such as *LLQR* September 2003, page 10, and June 2003, page 6) will be incorporated and expanded.

In providing tips on a distribution list for an EIS, for example, the guidance will emphasize the importance of keeping the list up-to-date. In this regard, it will provide a post-card template for use in verifying stakeholder interest in receiving EIS information or copies of


draft or final EISs via the U.S. Postal Service. To aid timely distribution, templates for letters to Congress, environmental groups, and citizens are being prepared.

e-NEPA Challenges to Be Addressed

Recently DOE NEPA Document Managers have had difficulty providing copies of final EISs to all commentors, as required by CEQ regulations, because return addresses on e-mail or fax comments were not provided or were invalid, or the mass e-mail from DOE was rejected as spam. For three recent EISs, DOE received numerous duplicate comments – in one case thousands – from one computer server or one fax machine.

The guidance will present general approaches to e-distribution to avoid or minimize problems related to e-mail or fax comments, such as those described above. Because e-NEPA procedures are evolving, the NEPA Office is consulting with other agencies on their experiences and procedures.

Lessons Learned by NEPA Community Needed

The NEPA Office will provide the draft guidance to the DOE NEPA Community, soliciting its comments and lessons learned. Direct suggestions and questions about this guidance, or EIS distribution issues generally, to Vivian Bowie at vivian.bowie@eh.doe.gov or 202-586-1771. 

CEQ Issues Revised Cooperating Agency Reporting Requirements

The Council on Environmental Quality (CEQ) has issued revised procedures for Federal agencies to report on cooperating agency involvement in their EISs and EAs. Modifying the reporting requirements established in January 2002, CEQ Chair James Connaughton established simplified procedures and a new format in a December 23, 2004, memorandum to Heads of Federal Agencies. The revised procedures and report format are intended to provide consistent information on the cooperating agency status of Federal agencies with “jurisdiction by law or special expertise,” states, local governments, and tribes.

The CEQ memorandum, with the new report format and Frequently Asked Questions as attachments, are found at ceq.eh.doe.gov/nepa/regs/guidance.html.

Reporting Requirements Simplified


The new procedures change the reporting period from 6 to 12 months, aligned with the fiscal year, and the information to be provided in the report will be less detailed than in the previous biannual reports.

- For each EIS for which a Federal agency publishes a notice of intent during the fiscal year, the report will list the EIS title, names of cooperating agencies, and the status of the EIS. In addition, the report will list the names of agencies that declined an invitation to participate as a cooperating agency, that requested but failed to reach agreement on establishing cooperating agency status, and whose cooperating agency status was ended and the reason(s) for those actions. The report will update this information for EISs reported in previous years.
- A Federal agency will report the total number of EAs completed during the fiscal year (that is, for which the agency issued a finding of no significant impact or a notice of intent to prepare an EIS), the number of EAs with one or more cooperating agencies, and the reason(s) agencies did not accept invitations or reach agreement to participate as a cooperating agency or ended a cooperating agency status before completing an EA.



DOE NEPA document preparation teams are encouraged to consider potential cooperating agencies early in the NEPA process and to consult with their NEPA Compliance Officer if questions arise on this subject. The benefits of cooperating agency participation in NEPA reviews and CEQ’s initiatives to promote cooperating agency relationships are described in *LLQR*, March 2002, page 1.

Metrics to Be Developed by Working Group

CEQ has established a Cooperating Agency Metrics Working Group to develop qualitative and quantitative measures that can be applied to the reports to assess the impact of cooperating agencies on improving agency NEPA processes and decisionmaking. The Working Group plans to survey Federal agency NEPA contacts in March to solicit suggestions for cooperating agency metrics, information on agency practices concerning mechanisms (such as a memorandum of agreement) for establishing cooperating agency status, and agency approaches to collecting its cooperating agency information used to prepare the annual report to CEQ. DOE’s representative on the Metrics Working Group, and the contact for further questions about cooperating agency reporting, is Yardena Mansoor, who can be reached at yardena.mansoor@eh.doe.gov or 202-586-9326. 

Implementing the Revised Requirements

The first report under the revised requirements, covering fiscal year 2005, is to be submitted to CEQ by January 3, 2006.

The Office of NEPA Policy and Compliance will

- identify EISs and EAs to be included in DOE’s report based on information in the monthly *DOE EIS and EA Status Chart* and Lessons Learned Questionnaires
- contact NEPA Compliance Officers and NEPA Document Managers, as appropriate, to
 - identify cooperating agencies
 - obtain information on requests that did not result in agreements to participate
 - obtain information on cooperating agency relationships that were ended before document completion.

International Association for Impact Assessment Conference Offers Global Perspectives

The International Association for Impact Assessment (IAIA), an organization of 2,700 members representing more than 100 countries, is holding its 25th anniversary conference in Boston from May 31–June 3, 2005. Conference sessions are organized on a theme of exploring fundamental questions of ethics and quality in the professions that use impact assessment approaches.


In a recent presentation about the Conference to a Council of Environmental Quality meeting of Federal NEPA Contacts, IAIA Executive Director Rita Hamm described the Association as “an authority on best practices for impact assessment,” and the Conference as “an international forum for communications and networking.”

Charlotte Bingham, the Conference Program Committee Co-chair (and Lead Environmental Specialist, Quality Assurance and Compliance Division, World Bank), encouraged Federal NEPA practitioners to expand their perspective to learn from others. She observed that U.S.

“We have a lot to learn from the rest of the world,” said Anne Miller, Director, Office of Federal Activities, Environmental Protection Agency, expressing her enthusiastic endorsement of the Conference.

environmental professionals consider themselves ahead of the rest of the world in environmental impact assessment, but other countries are grappling successfully with the same issues. “The Conference is an opportunity to learn and share what you know,” she said.

The Conference program – which also includes keynote speakers, practitioners’ forums, concurrent sessions on a broad range of topics, a poster session and exhibits, and technical visits – is found on the “Conferences” link on the Association’s Web site (www.iaia.org), along with registration and training information.

Before the Conference, on May 29 and 30, IAIA offers nine training courses, including Designing Effective Environmental Impact Assessment Training; Mainstreaming Biodiversity in Environmental Impact Assessment for Improved Environmental Decision-Making; and Concepts, Process and Methods of Social Impact Assessment: A Basic Course. Conference registration will be accepted through May 12, 2005, online at the Association’s Web site, by mail, or by fax, and after that date only on-site. Conference registration is \$550 for IAIA members; \$650 for nonmembers. Registration and payment for pre-Conference training are required by March 31. 

IAIA’05



Theme-related forums will address questions such as:

- What is ethical conduct in impact assessment?
- What are the standards of quality for impact assessment?
- Should there be a global standard?
- Is quality determined by the document, the process, or the outcome?

IAIA

was organized in 1980 to bring together researchers, practitioners, and users of various types of impact assessment from all parts of the world and from many disciplines and professions. Members include corporate planners and managers, public interest advocates, government planners and administrators, private consultants and policy analysts, and university and college teachers and their students. One aim of IAIA is to develop approaches and practices for comprehensive and integrated impact assessment. IAIA believes the assessment of the environmental, social, economic, cultural, and health implications of proposals to be a critical contribution to sound decisionmaking processes and to equitable and sustainable development.

IAIA publishes a quarterly journal, *Impact Assessment and Project Appraisal*, with peer-reviewed research articles, professional practice ideas, and book reviews of recently published titles. The Association also issues a quarterly newsletter to provide members with current information concerning association activities and events as well as professional news in the field of impact assessment. More information is available on the organization’s Web site, www.iaia.org.

NEPA Featured at NAEP 30th Annual Conference

Global Standards, Ethical Practices to Be Discussed

“Inspiring Global Environmental Standards and Ethical Practices” is the theme of the 30th Annual Conference of the National Association of Environmental Professionals (NAEP) to be held April 16–19, 2005, in Alexandria, VA, just across the Potomac River from Washington, DC. NEPA factors heavily in the conference agenda, which includes the 16th Annual NEPA Symposium and a special NEPA Seminar.




“This year’s theme focuses on balancing the needs of natural and human environments and finding solutions that can bridge competing interests,” wrote Conference Co-chairs John Irving, Idaho National Engineering and Environmental Laboratory, and Michael Herbaugh, Department of Defense, in their Conference invitation. “During this conference, we will discuss success stories and best practices that inspire global standards and practices to the environmental community.”

The NEPA Symposium includes presentations on implementation experience by Federal and state agencies and the private sector. Speakers also will discuss trends in environmental impact assessment, NEPA case law, the use of categorical exclusions, and “Painting the Images of NEPA.” Other topics to be addressed in regard to NEPA implementation include the Endangered Species Act, protecting cultural heritage properties, and adaptive management.




The special NEPA Seminar features presentations by Horst Greczmiel, Council on Environmental Quality (CEQ) Associate Director for NEPA Oversight, and Dinah Bear, General Counsel, CEQ, on the past, present, and future of CEQ. Nicholas Yost, former CEQ General Counsel, will discuss NEPA implementation issues. The Seminar also will include a NEPA Law Round Table designed to answer participants’ questions, with representatives from the Natural Resources Defense Council, Federal Highway Administration, Department of Defense, and U.S. Army Corps of Engineers.

In addition, NEPA is a prominent topic among planned presentations in the Conference’s Homeland Security track. Presenters will address balancing NEPA’s public involvement needs with sensitive information, and case studies of NEPA reviews of security-related actions. NEPA also will be discussed in conference tracks on Public Participation, New Technologies for Environmental Assessment, Smart Growth and Sustainability, Transportation, and Poster Sessions.




Conference registration is \$595 for NAEP members; \$695 for nonmembers. Additional information, including a registration form, is available on the NAEP Web site (www.naep.org). 

NAEP offers the following courses on Saturday, April 16, 2005, in conjunction with its annual conference:

Morning

-  Integrating NEPA with the ISO 14001 Environmental Management System
-  A Multi-Level, Multi-Systems Approach to Sustainability and Success
-  Introduction to the Section 404 Process

Afternoon

-  Tools and Techniques to Reduce Project Delays and Improve Environmental Performance
-  Building Strategic Alliances
-  Expert Testimony

Full Day

-  Writing the Perfect EA/FONSI or EIS

Half-day courses: \$150 for NAEP members; \$250 for nonmembers

Full-day course: \$250 for NAEP members; \$350 for nonmembers

Transitions

New NEPA Compliance Officers

Argonne Site Office: Donna Green

Donna Green has been designated NEPA Compliance Officer (NCO) for the Argonne Site Office under the 2004 “OneSC” reorganization of the Office of Science. Ms. Green is the Team Leader for Environmental and Emergency Management and has been making NEPA recommendations and managing environmental assessments for many years. She recently contributed an *LLQR* feature article on protection of a restored wetland at Argonne National Laboratory. (See *LLQR*, December 2003, page 6.) Ms. Green can be reached at donna.green@ch.doe.gov or 630-252-2264.

Office of Science NCO Clarence Hickey explains:

*The reorganized Office of Science is called “OneSC” to signify that the Headquarters Program Office, its 10 Site Offices at the national laboratories, and the 10 national laboratories are integral parts of DOE’s nationwide science complex. Under OneSC, the Headquarters Office of Science provides policy and direction, as well as scientific program development and management. Program execution and implementation functions are the responsibilities of the Site Offices, whose Managers have the NEPA responsibilities assigned to Heads of Field Organizations under DOE Order 451.1B, NEPA Compliance Program. The Argonne Site Office is the second OneSC Office to establish a NEPA program and designate a NEPA Compliance Officer. (The other is the Princeton Site Office, whose NCO, Allen Wrigley, was introduced in *LLQR*, September 2004, page 20.)*

Ohio Field Office: Lydia Boada-Clista

Lydia Boada-Clista has been designated as NCO for the Ohio Field Office following the retirement of Mike Reker (more, next page). Ms. Boada-Clista is currently the Transportation and Waste Manager for the Ohio Field Office. She has participated in the Office’s NEPA activities for more than 8 years and has been with the Ohio Field Office for 10 years serving in various program management capacities in the environment, safety, and health arena. Previously, she worked for the U.S. Environmental Protection Agency for 10 years. Ms. Boada-Clista can be reached at lydia.boada-clista@ohio.doe.gov or 513-246-0087.

(Dan Sullivan continues to serve as NEPA Compliance Officer for the West Valley Demonstration Project of the Ohio Field Office; he can be reached at daniel.w.sullivan@wv.doe.gov or 716-942-4016.)

Kansas City Site Office: Curtis Roth

The new NCO for the Kansas City Site Office, National Nuclear Security Administration (NNSA), is Curtis Roth, Environment, Safety and Health Program Manager. He has been with the Kansas City Office since joining DOE in 1983 and has experience in waste management, utilities construction and maintenance, and environmental engineering. Mr. Roth can be reached at curtis.roth@nnsa.doe.gov or 816-997-5713.

David Caughey, the NCO since 1995, has transitioned to other responsibilities within the Site Office.

National Energy Technology Laboratory (NETL): John Ganz

Relocating from the Ohio Field Office to Morgantown, West Virginia, John Ganz now serves as NETL’s NCO, following the retirement in January 2005 of Lloyd Lorenzi (more, next page). Mr. Ganz has significant NEPA experience as the original NCO for the former Morgantown Energy Technology Center from 1990 to 1996. Before joining DOE in 1990, he participated in NEPA project and program reviews for the Departments of the Army, Agriculture, and the Interior. Mr. Ganz can be reached at john.ganz@netl.doe.gov or 304-285-5443.

NETL was established in 1999, replacing the Federal Energy Technology Center (FETC), which had combined the former Morgantown Energy Research Center and the Pittsburgh Energy Research Center. The former National Petroleum Technology Office (Tulsa, Oklahoma) joined NETL in 2000. NETL is DOE’s center for petroleum, gas, and coal research and technology development.

NETL – Tulsa Office: Jesse Garcia

Jesse Garcia, who joined NETL’s Tulsa Office in 2000, now serves as its NCO following the retirement of Gary Walker (more, next page). As an Environmental Project Manager, Mr. Garcia’s current areas of responsibility include overseeing a variety of projects pertaining to produced water, geographic information systems, and streamlining access to Federal lands. He also has worked with NETL’s Historically Black Colleges and Universities program for advanced research. Mr. Garcia can be reached at jesse.garcia@netl.doe.gov or 918-699-2036.

(David Alleman continues to serve as the Alternate NCO for the NETL Tulsa Office; he can be reached at david.alleman@netl.doe.gov or 918-699-2057.)

(continued on next page)

Transitions (continued from previous page)

NEPA Community Retirements

The Office of NEPA Policy and Compliance offers good wishes to former NEPA Compliance Officers Henry Garson, Lloyd Lorenzi, Mike Reker, and Gary Walker on their retirements, all in January 2005.

Henry Garson has a record of long and varied service to DOE's NEPA and environmental programs, including as Assistant General Counsel for Environment, Director of the Office of Environment in the Office of New Production Reactors, and counsel and NCO for the Office of Defense Programs and later for NNSA. He made significant contributions to the New Production Reactor EIS; the site-wide EISs for Los Alamos, Lawrence Livermore, Sandia, Nevada Test Site, Pantex, and Y-12; and many other Defense Programs' programmatic and project EISs. When he retired after 35 years of Federal service, Mr. Garson was Associate General Counsel of NNSA.

Lloyd Lorenzi served as NCO continuously since 1992 for the former Pittsburgh Energy Research Center and its successor organizations, FETC and NETL. He was a frequent speaker at DOE NEPA Community Meetings, including the most recent one in July 2004. (See *LLQR*, September 2004, page 4.) Under his leadership,

DOE completed many EAs and EISs for the Clean Coal Technology Program and launched the Carbon Sequestration Programmatic EIS in early 2004. (See *LLQR*, June 2004, page 6.)

Mike Reker joined DOE's predecessor, the Energy Research and Development Administration, in 1976 and continued at various DOE offices until his retirement. He worked in the Ohio Field Office from its founding in 1994, where he held a range of environmental responsibilities, including serving as NCO since 2004.

Gary Walker was one of the original NCOs designated in 1991 when that position was established through Secretary of Energy Notice 15-90. Mr. Walker served initially as NCO for the Office of Naval Petroleum Reserves in California, and later for the National Petroleum Technology Office in Tulsa, which became part of NETL.



DOE-wide NEPA Contracts Update

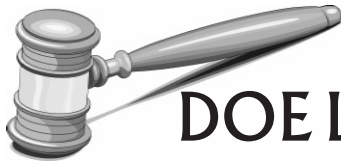
Debra Keeling Assumes Contract Administrator Duties

David Gallegos, DOE-wide NEPA Contract Administrator since fall 1999, writes: "Over the last five years, I had the opportunity to serve DOE's NEPA community in administering the DOE-wide NEPA Contracts. It has been a pleasure to work with many of you in helping to make this program the success that it is. I have been transferred to a new buying division dedicated to supporting the National Nuclear Security Administration's Office of Secure Transportation. Therefore, effective immediately, Debra Keeling, NNSA Service Center, will assume the DOE-Wide NEPA Contract Administrator duties. I will be available to assist Ms. Keeling during the transition."

On behalf of the DOE NEPA Community, the Office of NEPA Policy and Compliance thanks David Gallegos for his dedicated contributions to cost-effective and efficient NEPA contracting. He assisted in DOE's successful procurement in 2002 of six five-year DOE-wide NEPA support contracts and helped prepare guidance on using these contracts. We wish him continued success in his new responsibilities.

The following tasks have been awarded recently under the DOE-wide NEPA contracts. For questions, including information on earlier tasks awarded under DOE-wide NEPA contracts, contact Debra Keeling at dkeeling@doeal.gov or 505-845-6249. Information and resources for potential users of these contracts are available on the DOE NEPA Web site at www.eh.doe.gov/nepa under DOE-wide NEPA Contracting.

| Description | DOE Contact | Date Awarded | Contract Team |
|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|--------------|---------------|
| LANL Supplemental Site-wide EIS | Elizabeth Withers 505-667-8690 ewithers@doeal.gov | 11/22/2004 | SAIC |
| EA for the Decontamination and Decommissioning of the Zero Power Reactor at Argonne National Laboratory | Kenneth Chiu 630-252-2376 ken.chiu@ch.doe.gov | 11/23/2004 | Battelle |
| Fast Flux Test Facility Decommissioning EIS | Doug Chapin 509-373-9396 douglas_h_chapin@rl.gov | 12/27/2004 | SAIC |



DOE Litigation Updates

State of Washington v. Abraham et al. (E.D. Wash.):

The court will hear oral arguments on April 28, 2005, on Plaintiff's August 2004 request for a preliminary injunction barring shipment of low-level and mixed low-level waste and a motion by DOE to lift the May 2003 court-ordered preliminary injunction that bars the shipment of transuranic (TRU) and mixed-TRU waste to the Hanford site. In the interim, DOE has agreed not to accept the shipment of off-site-generated low-level and mixed low-level waste at Hanford. At issue is the adequacy of DOE's NEPA reviews related to waste management and disposal at Hanford, including the *Final Hanford Site Solid (Radioactive and Hazardous) Waste Program Environmental Impact Statement, Richland, Washington* (DOE/EIS-0286F, January 2004) and Record of Decision (ROD) (69 FR 39449; June 30, 2004).

[Case No.: 03-CT-5018]

Note: This case formerly was cited in LLQR as Columbia Riverkeeper and State of Washington et al. v. Abraham et al. Columbia Riverkeeper and three other non-profit groups filed a complaint in April 2003 (case no.: CV-03-5044-AAM) seeking a declaration that DOE violated NEPA in determining to ship certain TRU wastes to Hanford in its Revised ROD (67 FR 56989; September 6, 2002) for the Waste Management Programmatic EIS (DOE/EIS-0200, May 1997). This case was combined with a similar case filed by the State of Washington. Columbia Riverkeeper did not challenge DOE's subsequent ROD for the Hanford Solid Waste EIS (69 FR 39449; June 30, 2004); Washington did challenge

the 2004 ROD, as described above. On October 26, 2004, the court severed the two cases, and on December 16, 2004, the court dismissed the Columbia Riverkeeper complaint as moot.

Border Power Plant Working Group v. Abraham et al. (S.D. Calif.):

DOE issued Presidential Permits based on an EA and finding of no significant impact for the construction, operation, maintenance, and connection of two electric transmission lines that cross the U.S.-Mexico border. The court found the EA inadequate, and DOE prepared an EIS for the *Imperial-Mexicali 230-kV Transmission Lines* (DOE/EIS-0365, December 2004). The court has deferred setting aside the permits until September 26, 2005. This allows time for DOE to issue a ROD and for plaintiffs to review the administrative record and determine whether they intend to raise additional issues before the court. (See *LLQR*, June 2004, page 16; December 2003, page 7; and September 2003, page 22.)

[Case No.: 02-CV-513]

State of Nevada v. Department of Energy et al.

(D.C. Cir.): These consolidated cases involve the State of Nevada's challenge to DOE's ROD on the mode of transportation and selection of the Nevada rail corridor for disposal of spent nuclear fuel and high-level nuclear waste at Yucca Mountain. (See *LLQR*, December 2004, page 17.) The court has issued a briefing schedule, with final briefs due in June 2005.

[Case Nos.: 04-1082 and 04-1319]

Training Opportunities

NEPA-related courses are listed in the Lessons Learned Quarterly Report for information only, without endorsement. Cost and schedule information are subject to change; check with the course provider.

- **Cumulative Impacts Assessment (FED104: Cumulative Impacts Assessment)**

Washington, DC: March 8-10
Washington, DC: June 21-23

- **Introduction to NEPA/309 Review (FED103: NEPA/309 Review)**

Washington, DC: April 12-14

Environmental Protection Agency
Office of Federal Activities
202-564-7164
totten.arthur@epa.gov
www.netionline.com

- **Clear Writing for NEPA Specialists**

Logan, UT: March 15-17
Fee: \$885 (GSA contract: \$795)
Las Vegas, NV: July 13-15
Fee: \$1,060 (GSA contract: \$945)
until April 13

- **How to Manage the NEPA Process and Write Effective NEPA Documents**

Baltimore, MD: April 5-8
Fee: \$1,110 (GSA contract: \$995)
Price, UT: April 12-14
Fee: \$885 (GSA contract: \$795)
San Francisco, CA: May 17-20
Fee: \$1,110 (GSA contract: \$995)

- **Overview of the NEPA Process**

Las Vegas, NV: April 13
Fee: \$220 (GSA contract: \$195)

- **Cumulative Impact Analysis and Documentation**

Las Vegas, NV: April 14-15
Fee: \$660 (GSA contract: \$595)
Atlanta, GA: June 22-24
Fee: \$835 (GSA contract: \$745)
until March 22
Portland, OR: June 28-30
Fee: \$835 (GSA contract: \$745)
until March 28

- **Reviewing NEPA Documents**

Salt Lake City, UT: April 18-20
Fee: \$885 (GSA contract: \$795)
San Diego, CA: July 20-22
Fee: \$835 (GSA contract: \$745)
until March 20

- **Socio-economic Impact Analysis for NEPA Specialists**

Logan, UT: May 5-6
Fee: \$660 (GSA contract: \$595)

- **NEPA Project and Program Management**

Boise, ID: May 11-13
Fee: \$885 (GSA contract: \$795)

- **How to Manage the NEPA/CEQA Process and Write Effective NEPA Documents**

Ontario, CA: May 24-26
Fee: \$835 (GSA contract: \$745)
until February 26

- **Overview of the NEPA Process/ Team Building for NEPA Specialists**

Reno, NV: July 27-29
Fee: \$835 (GSA contract: \$745)
until March 27

The Shipley Group
888-270-2157 or 801-298-7800
shipley@shipleygroup.com
www.shipleygroup.com

- **NEPA Certificate Program**

Conducted through Utah State University. Requires successful completion of four core and three elective courses offered by The Shipley Group. Courses completed in 2000 or later may be applied toward the certificate. Also requires completion of course exams and a final project.

Fee: \$4,955 (includes tuition, course fees, and all materials)

Natural Resources and
Environmental Policy Program
Utah State University
435-797-0922
judy.kurtzman@usu.edu
www.cnr.usu.edu/policy/nepa.html

- **NEPA: Your Definitive and Practical Guide**

San Francisco, CA: March 11
Fee: \$395 (\$350 if multiple registrants)
Austin, TX: April 8
Fee: \$395 (\$325 if multiple registrants)

CLE International
800-873-7130
registrar@cle.com
www.cle.com/dev

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Training Opportunities

(continued from previous page)

- **Accounting for Cumulative Impacts in the NEPA Process**

Durham, NC: March 14-16
Fee: \$695

- **Making the NEPA Process More Efficient: Scoping and Public Participation**

Durham, NC: March 16-18
Fee: \$695

- **The Law of NEPA**

Durham, NC: May 24-26
Fee: \$695

Nicholas School of the Environment
and Earth Sciences
Duke University
919-613-8082
del@nicholas.duke.edu
www.env.duke.edu/del/shortcourses/courses/upcoming.html

- **NEPA Certificate Program**

Requires successful completion of one core and three elective Duke University NEPA short courses. A paper also is required. Previously completed courses may be applied toward the certificate.

Fee: Included in registration for constituent courses.

del@env.duke.edu
www.env.duke.edu/del/certificates/certificates.html

- **Species Protection and the Law: Endangered Species Act, Biodiversity Protection, and Invasive Species Control**

Washington, DC: April 6-8
Fee: \$895

American Law Institute - American Bar
Association
800-CLE-NEWS
www.ali-aba.org

- **NEPA Toolbox™ Training**

Several courses are available, including essentials, a management overview, public participation, and a variety of subjects specific to EA and EIS preparation. Dates and locations may be set at an agency's convenience through the Proponent-Sponsored Training Program, whereby the agency sponsors the course and recruits the participants, including those from other agencies. Services are available through a GSA contract.

Environmental Training & Consulting
International, Inc.
503-274-1790
info@envirotrain.com
www.envirotrain.com

- **Environmental Impact Training**

Courses cover topics such as environmental impact assessment, cumulative effects, environmental justice, reviewing NEPA documents, computer-based models, and adaptive management. Topics from several courses can be "packaged together" to meet the specific training needs of clients.

Environmental Impact Training
830-596-8804
info@eiatraining.com
www.eiatraining.com

- **NEPA Workshop**

Honolulu, HI: April 12-14

Fee: \$850 (government: \$650) until March 11
\$950 (government: \$750) after March 11

- **Assessing Cumulative Impacts**

Honolulu, HI: April 15 (half day)

Fee: \$250 (government: \$175) until March 11
\$300 (government: \$200) after March 11

Tetra Tech, Inc.
877-468-3872
Spring2005@ttsfo.com
www.ttsfo.com/NEPA

- **NEPA: Recent Developments and Case Law**

Cupertino, CA: March 14

Fee: \$226

University of California Santa Cruz
831-427-6600
nepaclass@ttsfo.com
www.ttsfo.com/NEPA

EAs and EISs Completed October 1 to December 31, 2004

EAs

**Golden Field Office/
Office of Energy Efficiency and Renewable Energy**
DOE/EA-1506 (11/23/04)
*Changing World Technologies' Thermal Conversion
Process Commercial Demonstration Plant,
Weld County, Colorado*
Cost: \$174,000
Time: 15 months

**National Energy Technology Laboratory/
Office of Fossil Energy**
DOE/EA-1493 (EA, 8/31/04; FONSI, 12/3/04)
*Greenidge Multi-Pollutant Control Project at the AES
Greenidge Generating Station, New York*
Cost: \$160,000
Time: 10 months

DOE/EA-1498 (11/17/04)
*Advanced Multi-Product Coal Utilization By-Product
Processing Plant, Carroll County, Kentucky*
Cost: \$32,000
Time: 10 months

**Oak Ridge Operations Office/
Office of Nuclear Energy, Science, and Technology**
DOE/EA-1488 (12/10/04)
*U-233 Disposition, Medical Isotope Production and
Building 3019 Complex Shutdown at the Oak Ridge
National Laboratory, Oak Ridge, Tennessee*
Cost: \$99,000
Time: 11 months

**Rocky Flats Field Office/
Office of Environmental Management**
DOE/EA-1492 (10/27/04)
Rocky Flats Surface Water Changes, Colorado
Cost: \$60,000 (prepared by Federal employees without
contractor support)
Time: 10 months

**Strategic Petroleum Reserve
Project Management Office/Office of Fossil Energy**
DOE/EA-1505 (11/24/04)
*Proposed Increase in the Facility Capacity and
Petroleum Inventory at the Strategic Petroleum
Reserve's Bryan Mound Storage Facility, Texas*
Cost: \$51,000
Time: 5 months

Western Area Power Administration
DOE/EA-1470 (10/28/04)
Harry Allen-Mead 500 kV Transmission Line, Nevada
Cost: The cost for this EA was paid by the applicant;
therefore, cost information does not apply to DOE.
Time: 21 months

EIS

Office of Fossil Energy
DOE/EIS-0365 (68 FR 61796, 12/17/04)
(EPA Rating: EC-2)
*Imperial-Mexicali 230-kV Transmission Lines,
Imperial County, California*
Cost: The cost for this EIS was paid by the
applicants; therefore, cost information does not apply
to DOE.
Time: 14 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 Web site at:
www.epa.gov/compliance/nepa/comments/ratings.html.)

NEPA Document Cost and Time Facts

EA Costs and Completion Times

- For this quarter, the median cost for the preparation of six EAs for which cost data were applicable was \$80,000; the average was \$96,000.
- Cumulatively, for the 12 months that ended December 31, 2004, the median cost for the preparation of 15 EAs for which cost data were applicable was \$51,000; the average was \$87,000.
- For this quarter, the median completion time of seven EAs was 10 months; the average was 12 months.
- Cumulatively, for the 12 months that ended December 31, 2004, the median completion time for 18 EAs was 10 months; the average was 11 months.

EIS Costs and Completion Times

- Cumulatively, for the 12 months that ended December 31, 2004, the median cost for the preparation of four EISs for which cost data were applicable was \$1,776,000; the average was \$3,325,000.
- For this quarter, the completion time for one EIS was 14 months.
- Cumulatively, for the 12 months that ended December 31, 2004, the median completion time for seven EISs was 32 months; the average was 35 months.

Recent EIS-Related Milestones (December 1, 2004, to February 28, 2005)

Notices of Intent

Bonneville Power Administration

DOE/EIS-0374

*Klondike III Wind Project Interconnection,
Sherman County, Oregon*

February 2005 (70 FR 7488, 2/14/05)

National Nuclear Security Administration

DOE/EIS-0238-S1

*Supplemental Environmental Impact Statement to
the Final Site-Wide Environmental Impact Statement
for Continued Operation of the Los Alamos National
Laboratory, Los Alamos and Santa Fe Counties,
New Mexico*

January 2005 (70 FR 807, 1/5/05)

Western Area Power Administration

DOE/EIS-0376

*Construction and Operation of the Proposed White
Wind Farm Project, Brookings County, South Dakota*
February 2005 (70 FR 8359, 2/18/05)

Notice of Cancellation

Office of Fossil Energy

DOE/EIS-0307

*Presidential Permit Application, Public Service
Company of New Mexico, Arizona*

February 2005 (70 FR 8580, 2/22/05)

Records of Decision

Bonneville Power Administration

Business Plan

Environmental Impact Statement

DOE/EIS-0183

*Hopkins Ridge Wind Energy Project,
Columbia County, Washington*

December 2004 (69 FR 76929, 12/23/04)

*Arlington Wind Interconnection Project,
Gilliam County, Oregon*

January 2005 (70 FR 3686, 1/26/05)

*Policy for Power Supply Role for Fiscal Years
2007-2011 (Regional Dialogue)*

February 2005 (70 FR 7489, 2/14/05)

Office of Environmental Management

DOE/EIS-0218

*Revised Record of Decision for Proposed Nuclear
Weapons Nonproliferation Policy Concerning Foreign
Research Reactor Spent Nuclear Fuel*

December 2004 (69 FR 69901, 12/1/04)

(continued on next page)

Recent EIS-Related Milestones (December 1, 2004, to February 28, 2005)

(continued from previous page)

Supplement Analyses

Bonneville Power Administration

Yakima River Basin Fisheries Project Environmental Impact Statement (DOE/EIS-0169)

DOE/EIS-0169-SA-09
*Yakima/Klickitat Fisheries Project, Cle Elum and
Kittitas County, Washington*
(Decision: No further NEPA review required)
January 2005

Watershed Management Program Environmental Impact Statement (DOE/EIS-0265)

DOE/EIS-0265-SA-190*
*Habitat Projects Lake Roosevelt Tributaries - Bridge
Creek Passage/Habitat Improvements Phase II,
Ferry County, Washington*
(Decision: No further NEPA review required)
November 2004

DOE/EIS-0265-SA-191*
*Tucannon River Model Watershed - Tucannon Ranch
Irrigation Efficiency Enhancement Project, Columbia
County, Washington*
(Decision: No further NEPA review required)
November 2004

DOE/EIS-0265-SA-192*
*Idaho Model Watershed Habitat Projects -
Gini Canal - Garden Creek Crossing Structure,
Lemhi County, Idaho*
(Decision: No further NEPA review required)
November 2004

DOE/EIS-0265-SA-193*
*Idaho Model Watershed Habitat Projects - Philips
Slough Fence, Custer County, Idaho*
(Decision: No further NEPA review required)
November 2004

DOE/EIS-0265-SA-194*
*Blind Slough Restoration Project - Addendum
(Monitoring Plan), Clatsop County, Oregon*
(Decision: No further NEPA review required)
November 2004

DOE/EIS-0265-SA-195*
*Upper Salmon Basin Watershed Projects - Goddard
Stockwater Project, Lemhi County, Idaho*
(Decision: No further NEPA review required)
November 2004

DOE/EIS-0265-SA-196*
*Upper Salmon Basin Watershed Projects -
Bauchman (Ives) Stockwater Project, Custer County,
Idaho*
(Decision: No further NEPA review required)
November 2004

DOE/EIS-0265-SA-197*
*Idaho Model Watershed Habitat Projects - Hayden
Creek Fence Crossing, Lemhi County, Idaho*
(Decision: No further NEPA review required)
November 2004

DOE/EIS-0265-SA-198
*Sandy River Delta Habitat Restoration, Multnomah
County, Oregon*
(Decision: No further NEPA review required)
December 2004

DOE/EIS-0265-SA-199
*Pine Creek Conservation Area, Wheeler County,
Oregon*
(Decision: No further NEPA review required)
January 2005

DOE/EIS-0265-SA-201
*Secure and Restore Critical Fish Habitats Flathead
Basin, Montana*
(Decision: No further NEPA review required)
January 2005

DOE/EIS-0265-SA-202
*Rainwater Wildlife Area - Ongoing Operations
and Maintenance Activities, Columbia County,
Washington*
(Decision: No further NEPA review required)
February 2005

DOE/EIS-0265-SA-203
*Protect and Restore Mill Creek Watershed, Idaho
County, Idaho*
(Decision: No further NEPA review required)
February 2005

(continued on next page)

* Not previously reported in LLQR

Recent EIS-Related Milestones (December 1, 2004, to February 28, 2005)

(Supplement Analyses, continued from previous page)

Vegetation Management Program Environmental Impact Statement (DOE/EIS-0285)

DOE/EIS-0285-SA-232*

Vegetation Management along the Lower Monumental - Hanford 500 kV Transmission Line, Grant and Franklin Counties, Washington
(Decision: No further NEPA review required)
November 2004

DOE/EIS-0285-SA-233*

Vegetation Management along Hanford Ostrander No. 1 500 kV Transmission Line Corridor, Multnomah County, Oregon
(Decision: No further NEPA review required)
November 2004

DOE/EIS-0285-SA-234*

Vegetation Management along the ROW of the 500 kV Captain Jack - Olinda Transmission Line Corridor, Klamath County, Oregon
(Decision: No further NEPA review required)
November 2004

DOE/EIS-0285-SA-235

Vegetation Management along the ROW of the 500 kV Ashe - Marion # 2 Transmission Line Corridor, Wasco and Clackamas Counties, Oregon
(Decision: No further NEPA review required)
December 2004

DOE/EIS-0285-SA-236

Vegetation Management along the Olympia - Satsop No. 2 230 kV Transmission Line Corridor, Thurston and Grays Harbor Counties, Washington
(Decision: No further NEPA review required)
December 2004

DOE/EIS-0285-SA-237


Vegetation Management along the Shelton - Fairmount No. 4 230 kV Transmission Line Corridor, Mason and Jefferson Counties, Washington
(Decision: No further NEPA review required)
December 2004

DOE/EIS-0285-SA-238

Vegetation Management along the Big Eddy - Ostrander No. 1 500 kV Transmission Line Corridor, Clackamas County, Oregon
(Decision: No further NEPA review required)
January 2005

Fish and Wildlife Implementation Plan Environmental Impact Statement (DOE/EIS-0312)

DOE/EIS-0312-SA-01

Updated Proposed Action for the Federal Columbia River Power System Biological Opinion Remand
(Decision: No further NEPA review required)
December 2004 

* Not previously reported in LLQR

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. This Quarterly Report covers documents completed between October 1 and December 31, 2004.

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 Environment, Safety and Health.

Scoping

What Worked

- *Pre-scoping research.* Investigation of reasonable alternatives prior to initiating document preparation greatly facilitated the efficiency of the EA scoping process.
- *Participation at another agency's scoping process.* The EA scoping process was enhanced by DOE's participation at a scoping meeting sponsored by another agency.
- *Confidentiality agreement.* DOE and the contractor made efforts to ensure that the project staff was comfortable with confidentiality agreements and that the agreements were adhered to.

Data Collection/Analysis

What Worked

- *Accessible subject matter experts.* Easy access to and direct interaction with subject matter experts smoothed the data collection process significantly.
- *Use of sliding-scale approach.* The use of the sliding-scale approach made the impact analysis easier to perform and minimized reader distraction by excluding unimportant details.
- *Use of GIS.* The use of a Geographic Information System for data collection and presentation enhanced the data collection and analysis process.
- *Use of existing documents.* DOE was able to draw from another agency's finding of no significant impact (FONSI) in preparing its own. A joint FONSI was suggested but it was not pursued due to DOE's requirement to indicate what mitigation measures were needed to render any potentially significant impacts insignificant.

What Didn't Work

- *Early development of tribal consultation plan.* Developing a tribal consultation plan at the beginning of the process and gaining support from all Federal agencies would have enhanced the EA process.
- *Difficulty gathering information.* Project staff was hesitant to provide information about the technology. This made gathering information needed for the EA difficult.
- *Limited information.* The impact analysis and methodology could have been better if more information needed for analysis had been available.

Schedule

Factors that Facilitated Timely Completion of Documents

- *Close coordination between contractor and DOE.* Close coordination between the Management and Operations contractor and DOE facilitated timely completion of the EA.
- *Electronically-shared documents.* Concurrent access of electronically shared files made the resolution of comments and incorporation into the final document highly efficient as multiple users were able to easily review and post comments.
- *Regularly scheduled meetings.* The applicant, DOE, and another Federal agency with jurisdiction related to the project had regular meetings and conference calls to discuss document progress and completion. This facilitated timely completion of the EA.
- *Partial jurisdiction.* Since DOE's jurisdiction was limited to a small part of the project, DOE's delay in issuing its FONSI did not impact the project schedule. DOE's FONSI was issued well ahead of DOE taking any action related to the project.

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What Worked and Didn't Work

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- *Review deadlines and concurrence.* Document reviews were kept on schedule by establishing deadlines and presuming concurrence if responses were not received on time.

Factors that Inhibited Timely Completion of Documents

- *Staff turnover.* Timely completion of the document was interrupted by the assignment of a new EA manager in the middle of the document preparation process.
- *Lost document.* Timely completion of the document was inhibited when the contractor lost the corrected electronic draft of the document and the NEPA Document Manager had to use a hard copy of the edited version to retype corrections page-by-page.
- *Headquarters review time.* Program office review created a month delay for the completion of the EA.
- *Financial issues.* Due to financial considerations, the applicant did not task the EA contractor to prepare DOE's mitigation action plan. DOE staff prepared the plan in house, which resulted in delays.
- *Confidential information.* Completing the EA on time was challenging due to hesitancy of project staff to provide confidential information.
- *Inexperienced Preparers.* The NEPA contractor appeared inexperienced in EIS preparation and had weak writing skills.
- *Lack of ownership.* There was no one person on the contractor staff nor in the Program Office who was familiar with the entire document.
- *Disagreement on how to address major issues.* We were unable to meet milestone dates because we did not reach agreement on language for addressing major issues until very late in the process of responding to public comments. This was a strong example of an EIS that could have benefited from the comment-response guidance that EH recently issued (after the team was well along in managing the comments).

Teamwork

Factors that Facilitated Effective Teamwork

- *Open communication.* Open communication within DOE and between DOE and the contractor facilitated effective teamwork.

- *Common goals.* Teamwork was facilitated by a DOE project team with a common goal and completion milestone. The team worked together in an expedited manner to meet these goals and milestones.
- *Active consultant.* Effective teamwork between DOE and the contractor was facilitated by a consultant who was an active member of the EA preparation team.
- *Cooperation and common interest.* The NEPA Compliance Officer, NEPA Document Manager, and the contractor all worked well together and had a common interest in completing the EA. This teamwork facilitated the document preparation process.

Factors that Inhibited Effective Teamwork

- *Insufficient cooperation on National Historic Preservation Act compliance.* Another agency had the lead for National Historic Preservation Act (NHPA) compliance. The other agency did not honor DOE's requests to consult with tribes when the cultural resource inventory report was completed. DOE initiated its own consultation consistent with DOE's American Indian and Alaska Native Tribal Government Policy.
- *Lack of direct contact.* Due to the lack of face-to-face interactions with the project team, it was difficult to establish good working and trusting relationships. The project team was uncooperative and slow to respond when asked for information through any communication mode.

Process

Successful Aspects of the Public Participation Process

- *Community input.* DOE provided a presentation on the project and EA to the Environmental Advisory Committee to seek input, comments, and suggestions. Suggestions were successfully received from community representatives.
- *Accommodation of different agency procedures.* Another agency issued an EA for a 30-day comment period. DOE requested that the EA be amended to address public and agency (including DOE) input. In response, the other agency issued an EA erratum with its FONSI. DOE adopted the other agency's EA and the EA erratum as DOE's final EA.

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What Worked and Didn't Work

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Usefulness

Agency Planning and Decisionmaking: What Worked

- *Reduction of impacts to air quality.* The NEPA process was a fully integrated part of agency planning and decisionmaking. It greatly affected decisionmaking regarding the project and ultimately led to the inclusion of mitigation activities at the conceptual stages of the project. These will serve to greatly reduce impacts to air quality in an area that has already been classified as a severe ozone non-attainment area.
- *Confirmation of a beneficial project.* The NEPA process confirmed the initial evaluation of a beneficial project with few, if any, negative impacts on the human/natural environment.
- *Defined scope.* The NEPA process was used to clearly define the scope of the action.
- *Guidance need identified.* Before DOE adopted the other agency's EA and erratum, DOE learned that the applicant was considering a different routing option for interconnecting a transmission line with a substation. DOE prepared an erratum to address this option and approved the erratum with the EA adoption. Guidance is needed to cover similar situations where issuing a revised EA would not be warranted.
- *Decision to fund technology.* The NEPA process facilitated DOE's decision to provide funding to develop a technology.

Enhancement/Protection of the Environment

- The environment was protected as a consequence of the NEPA evaluation of this project as air emissions resulting from a portion of the proposed action will be mitigated 100%.
- The environment will be enhanced by a successful project, which will reduce emissions across the board for this plant.

- The environment was protected as a result of the NEPA process.
- The environment was protected as numerous mitigations will be implemented to protect sensitive environmental resources. To further protect the environment, DOE and another agency will require that a monitor report to them during the construction.
- As a result of the NEPA process, the environment at the site and surrounding community will be protected and enhanced.

Effectiveness of the NEPA Process

For the past quarter, in which 5 questionnaire responses were received for EAs and 2 responses were received for EISs, 3 of the respondents rated the NEPA process as "effective."

- A respondent who rated the process as "5" stated that the NEPA process resulted in mitigation activities being "built into" the project at the conceptual stage. This will effectively lower air emissions resulting from the proposed action.
- Another respondent who rated the process as "5" stated the NEPA process was used to clearly define the scope of the action.
- A respondent who rated the process as "4" stated that the results of the NEPA process will be integrated into another agency's development plan, DOE's mitigation action plan, and terms for granting a transmission line easement. In addition, the EA will be used to define conditions for interconnection at a substation.
- A respondent who rated the process as "2" stated that the NEPA process did not impact this particular project.
- A respondent who rated the process as "0" stated that the decision to fund the project was already clear. 