NEPA

National Environmental Policy Act

LESSONS LEARNED

U.S. DEPARTMENT OF ENERGY QUARTERLY REPORT

December 3, 2012; Issue No. 73 Fourth Quarter FY 2012

Quality Assurance Integral to NEPA Implementation

DOE senior leaders have repeatedly emphasized quality assurance as essential to a successful NEPA program. Secretarial Officers and Heads of Field Organizations have the responsibility to ensure the preparation of a NEPA quality assurance plan (DOE O 451.1B, *NEPA Compliance Program*, paragraph 5.a(3)). This provision was added in response to a June 1994 Secretarial NEPA policy statement. This requirement to prepare a plan signifies that a formal approach to quality assurance should be in place at the beginning of a NEPA review.

Most recently, Secretary of Energy Steven Chu's June 2012 policy memorandum on integrating program and project management with NEPA expressed the principle that data used in a NEPA document must meet appropriate quality assurance standards (*LLQR*, September 2012, pages 1 and 3).

Quality Assurance in the NEPA Context

The Council on Environmental Quality NEPA regulations (40 CFR 1500.1(b)) state that the environmental information contained in a NEPA document "must be of high quality." A quality EA or EIS must be based on accurate data and sound scientific analysis.

Merriam-Webster defines quality assurance as "a program for the systematic monitoring and evaluation of the various aspects of a project [or] service . . . to ensure that standards of quality are being met." A quality assurance plan, therefore, should lay out the standards for data, analysis, content, and presentation, and then establish procedures, including assignment of responsibilities, for developing a NEPA document that meets these standards.

Quality assurance promotes efficiency by building in quality at all stages of a process – "getting it right the first time." (Quality control is generally the ongoing confirmation that the plan is being followed and a late-stage confirmation that the desired goals have been

(continued on page 3)

DOE NEPA Guidance Improvements Planned for 2013

The Office of NEPA Policy and Compliance is undertaking a broad review of DOE's existing NEPA guidance to identify opportunities to update the guidance. The goals are to better align with current practices and requirements, develop new guidance to fill gaps, and look for better ways to present guidance.

"Core principles in our existing guidance remain sound," said Carol Borgstrom, Director, Office of NEPA Policy and Compliance, "but several guidance documents are more than a decade old. We need to look at whether they can be improved to account for developments such as greater use of the web."

The NEPA Office asked NEPA Compliance Officers (NCOs) and NEPA Document Managers to help with this review via a questionnaire distributed in November. The most frequently used DOE guidance documents, as identified by the respondents, are the EA and EIS checklists. These documents could be updated to reflect additional topics, such as greenhouse gas emissions and intentional destructive acts, that are more prominent in NEPA documents now than when the checklists were issued in 1994 and 1997, respectively.

One respondent asked for checklists to be provided in a form that could be filled in online, and another

(continued on page 4)

Inside *Lessons Learned*

Welcome to the 73rd quarterly report on lessons learned in the NEPA process. In this issue, we highlight practices of DOE's NEPA Community that help ensure the quality of our NEPA reviews. Emphasizing quality throughout the NEPA process is essential to meeting schedules and providing useful information to the public and decisionmakers. Thank you for your continued support of the Lessons Learned program. As always, we welcome your suggestions for improvement.

OMB-CEQ Affirm Commitment to ECR 5
Canada's New NEPA-Like Law 6
Transitions..... 8
John Jediny Joins DOE NEPA Office 9
EAs and EISs Completed This Quarter..... 10
Questionnaire Results 11
Cost and Time Facts..... 12

Carol Borgstrom
Director
Office of NEPA Policy and Compliance

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Be Part of Lessons Learned

We Welcome Your Contributions to *LLQR*

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

Quarterly Questionnaires Due February 1, 2013

For NEPA documents completed October 1–December 31, 2012, NEPA Document Managers and NEPA Compliance Officers should submit a Lessons Learned Questionnaire as soon as possible after document completion but not later than February 1. Other document preparation team members are encouraged to submit a questionnaire, too. Contact Vivian Bowie at vivian.bowie@hq.doe.gov for more information.

LLQR Online

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

2013 NAEP Conference: "Walk-the-Talk"

The National Association of Environmental Professionals (NAEP) and the California Association of Environmental Professionals (AEP) will jointly host their annual conference April 1-4 in Los Angeles. The theme of the 2013 conference is "Walk-the-Talk." NAEP states that the conference will highlight the best efforts by private- and public-sector environmental professionals in the areas of regulations, analyses, project construction, and project operations. The focus of the conference will be on the work of environmental professionals that achieves the goals of NEPA and the California Environmental Quality Act (CEQA) while balancing economic development, quality of life, and conservation and protection of the environment. Registration and other information, including government rates and early registration incentives, are available at http://www.n-aep2013.org.

Training: National Environmental Policy Act

The U.S. Environmental Protection Agency, National Enforcement Training Institute (NETI) is offering a free recorded webinar, "National Environmental Policy Act," through January 1, 2013. This basic NEPA course aims to educate viewers on the purposes, history, key actors, and regulatory framework for implementing NEPA. For more details or to register, see the NETI website.

Making Quality Assurance Work

(continued from page 1)

met. Without upfront quality assurance in developing the NEPA document, any deficiencies may be identified during a quality control review of a completed document, with attendant delay and expense that might have been avoided.)

The NEPA Office recently asked NCOs and NEPA Document Managers to share their thoughts on ways to ensure the quality of DOE's EAs and EISs, and received a range of advice on quality assurance approaches.

When embarking on any EIS, the old saying goes, "plan your work and work your plan" with a slight caveat – the plan better be flexible. Good communication is essential, as is flexibility to refine procedures and develop corrective measures.

Linda Cohn
NCO, Nevada Site Office

Some DOE offices have established their NEPA quality assurance plan as a stand-alone document and others as part of a broader, office-specific NEPA procedures document. Some quality assurance plans apply primarily to contractors, while others apply to all parties who prepare and review the NEPA document. Some DOE offices have a broadly applicable quality assurance plan, and others tailor a plan for each NEPA review.

Office-Specific NEPA Quality Assurance Plans

NCOs and NEPA Document Managers report that a well-developed quality assurance plan promotes the interrelated goals of efficiency and consistency by establishing performance standards and specifying procedures. Several stated that the plan should clarify the responsibilities of all parties who develop the EA or EIS: NEPA Document Manager, NCO, NEPA and project staff, counsel, and management; a NEPA support contractor; if involved, an applicant; any cooperating agencies; and all reviewers.

"Everyone on the team is required to read the plan and document that they have reviewed and understand their responsibilities," said Mary Beth Burandt, NEPA Document Manager for the *Hanford Tank Closure and Waste Management EIS* (DOE/EIS-0391). "Put the plan in place and follow it. If you have implemented your process correctly you should not have to do anything specific to 'meet QA' prior to submittal; this should have been happening all throughout document development."

The Bonneville Power Administration has developed an agency-specific NEPA handbook, report NCOs Stacy Mason and Kathy Pierce, that outlines the process for preparing a categorical exclusion determination, an EA, and an EIS. It Identifies parties within the agency who help accomplish steps in the NEPA review (e.g., specialists in geographic information systems, public affairs, realty issues, web posting, contracting, and document processing). The handbook includes templates for documents that may be needed during a NEPA review, such as a notice of intent, notice of availability, *Federal Register* publication request, and transmittal letters.

Several NCOs mentioned that a quality assurance plan should include interim quality reviews to help identify, document, and resolve problems early, when corrections may have less impact on schedule and budget than near the end of NEPA document preparation. Susan McCauslin, Carlsbad Field Office NCO, also noted that such interim quality reviews are an opportunity to identify future improvements to quality procedures.

Contractors and Quality Assurance

DOE offices that direct their contractor to apply a quality assurance plan focus on ensuring data quality, valid analysis, consistency with CEQ and DOE requirements, and editorial quality of the documents (deliverables). Shane Kimbrough, NCO for Western Area Power Administration, explained that a contractor quality assurance plan:

- ensures that the contractor is aware that quality is expected
- requires contractors to commit to quality and explain how they propose to do it
- provides a "hammer" if quality is lacking
- provides an opportunity to discuss quality with the contractor when the issue of quality of submittals arises – especially during preparation of the preliminary draft of an EIS.

In addition to establishing a contractor quality assurance plan, some NEPA document managers provide the contractor with a good example of a past document for a similar type of project.

Most of the respondents affirmed their use of the EA and EIS checklists in reviewing contractor deliverables as part of their quality assurance process, and some ask the contractor to use the checklists before submitting their deliverables to DOE.

Team Coordination and Communication

A key element of document quality, noted several NCOs, is having the NEPA Document Manager continuously

(continued on page 4)

DOE NEPA Guidance Planning

(continued from page 1)

recommended expanding the checklist approach to other guidance documents. "I find the checklist or question-and-answer formats most helpful because they help me to think through the steps more carefully," said an NCO.

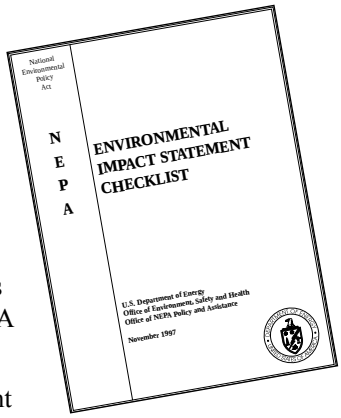
Respondents also expressed interest in updates to other DOE NEPA guidance documents, including:

- *Recommendations for the Preparation of EAs and EISs* ("Green Book," 2nd edition, 2004) to reflect current practices and references, and expand or add topics
- *Categorical Exclusion Determinations* (2008) to reflect the 2011 rulemaking
- *Designating and Supporting NEPA Document Managers* (1998) to emphasize management of the NEPA process and quality assurance
- *Effective Public Participation* (1998) to reflect current practices, including use of the web and social media

Several respondents requested development of new guidance on notices of intent, records of decision, the NEPA process for applicant proposals, the administrative record, and interagency coordination and consultation.

Guidance Evolves with Agency Practices

Interpretive and procedural guidance, made readily available to DOE's NEPA practitioners, has long been an important feature of DOE's NEPA Compliance Program.


National Environmental Policy Act

N E P A

ENVIRONMENTAL IMPACT STATEMENT CHECKLIST

U.S. Department of Energy
Office of Environment, Safety and Health
Office of NEPA Policy and Assistance

November 1997

Notably, the Department's NEPA Office first issued a printed multi-volume NEPA Compliance Guide in the 1980s, and a decade later created one of the first websites to provide comprehensive NEPA guidance resources.

Keeping NEPA guidance current requires revisions to recognize evolution in government-wide and DOE NEPA practice. For example, the Environmental Protection Agency's October 2012 transition to electronic filing of draft and final EISs triggers a need to update DOE's 2006 *EIS Distribution* guidance.

The usefulness of NEPA guidance can be enhanced by making better use of electronic media. Guidance documents could include hyperlinks to regulatory sources, related guidance, or good examples in completed NEPA documents. "We're looking at these types of changes, along with substantive updates," explained Ms. Borgstrom. "We want NEPA practitioners to have easy access to guidance that meets their needs when they need it."

Please send suggestions to improve existing DOE NEPA guidance and new guidance topics to askNEPA@hq.doe.gov.

Making Quality Assurance Work

(continued from page 3)

involved in document development. The exchange of information is crucial to keeping the document on the right track and ensuring quality, said Ms. Cohn. A Western Area Power Administration NEPA Document Manager, Tim Snowden, provided additional detailed advice: "Establish consistent lines of communications with your contractors and integrated document team. Set adequate group meetings or teleconferences with contractors and the team to make sure all participants are on the same page in relation to the issues, and document the roadmap forward. Often different perceptions of a procedural problem or issue can be resolved through the 'collective mind' approach."

Path Forward

Members of the DOE NEPA Community, as well as other readers of *LLQR*, are invited to provide examples of effective quality assurance procedures and approaches, stories of lessons learned, guidance requests, and any additional feedback to askNEPA@hq.doe.gov.

OMB and CEQ Memo Affirms Commitment to Environmental Collaboration, Conflict Resolution

"Environmental and natural resource conflicts . . . represent serious governance challenges with significant budget, management, and public service implications," states a recent memorandum issued jointly by the Office of Management and Budget (OMB) and the Council on Environmental Quality (CEQ). The memorandum urges agencies to address these challenges through environmental collaboration and conflict resolution.

With the magnitude of environmental challenges facing the nation, coupled with the need for careful stewardship of tax dollars and budgets, . . . agencies should leverage all environmental collaboration and conflict management techniques . . . .

Jeffrey D. Zients, Acting Director, OMB
Nancy H. Sutley, Chair, CEQ

The September 7, 2012, memorandum builds upon a November 2005 OMB-CEQ memorandum on environmental conflict resolution (*LLQR*, March 2006, page 13) by explicitly encouraging upfront environmental collaboration to minimize or prevent conflict. The 2012 memorandum encourages federal agencies to use their own staff or outside resources, such as those offered by the U.S. Institute for Environmental Conflict Resolution (www.ecr.gov), the Department of Justice, and other organizations to help avoid and resolve conflicts.

The memorandum also continues an annual reporting requirement on agency use of third-party assisted negotiation, mediation, and similar processes. Annual reports, including DOE's, are available on the Institute's website. In its annual reports, DOE describes its use of collaborative processes to prevent or resolve environmental conflicts. In the Fiscal Year 2011 report (issued March 2012), 16 DOE sites and program offices reported a total of 75 environmental conflict resolution cases. Two of these cases involved third-party assistance and 73 did not involve third parties. Four of the reported cases involved NEPA reviews.

The OMB-CEQ memorandum is posted on the DOE NEPA Website. Attachments to the memorandum include links to relevant guidance, a summary of basic principles, and a list of mechanisms and strategies. Also see *LLQR*, June 2007, for eight articles on environmental collaboration, and December 2007, page 10, which announced CEQ's collaboration handbook.

For additional information or assistance, including advice and facilitation services, contact Kathleen Binder (kathleen.binder@hq.doe.gov or 202-586-6972) or Wade Boswell (wade.boswell@hq.doe.gov or 202-586-1484), DOE Office of Conflict Prevention and Resolution. For information on environmental conflict resolution matters generally, including DOE's environmental conflict resolution annual report, contact Steven Miller, DOE Office of the General Counsel (steven.miller@hq.doe.gov, 202-586-2925, or 202-329-4527).

Canada's New NEPA-Like Law Addresses Familiar Issues

By: Eric Cohen, Unit Leader, Office of NEPA Policy and Compliance

Our neighbors to the north have been wrestling with environmental policy and procedural issues very similar to those that we in the United States must address in the NEPA process. A new NEPA-like law in Canada is intended to strengthen environmental protection while making the process more efficient.

The Canadian Environmental Assessment Act, 2012 (the 2012 Act) became effective on July 6, 2012. It repealed the former law and implementing the Government of Canada plan for Responsible Resource Development "to modernize the regulatory system and allow for resources to be developed in a responsible and timely way for the benefit of all Canadians," according to the Canadian Environmental Assessment Agency (CEAA) website. Senior officials of CEAA provided an overview of the new law to U.S. federal agency participants in a Canada-U.S. Exchange on Environmental Assessment, hosted by the U.S. Environmental Protection Agency in Washington, DC, in November 2012.

Participants at the Exchange commented that a number of the new law's provisions are relevant to the NEPA process in the U.S. and to the practice of environmental impact assessment internationally because they focus on widely-shared issues and concerns, and contain measures to address them that have been considered in other nations (e.g., process timelines, enhanced role for applicants/proponents, and mitigation enforcement). The discussion below of select aspects of Canada's new law is based on the CEAA presentation at the Exchange and information on CEAA's website, which contains a more complete overview of the 2012 Act.

Challenges of Prior Law Addressed

CEAA officials explained how the new law balances timeliness with environmental protection, and how aspects of the previous law tended to limit the government's ability to ensure implementation of environmental protection and resulted in uncertainties for project proponents, who often did not know what to expect in terms of the time required and the type or level of environmental review.

Canada

Canadian Environmental Assessment Act Goals:

- Make reviews of resource projects more predictable and timely
- Reduce duplication and regulatory burden
- Strengthen environmental protections
- Enhance consultation with Aboriginal peoples

By way of background, Canada conducts three types of environmental review: screening assessments, comprehensive studies (also referred to as "standard environmental assessments"), and review panels (for the most significant or controversial projects). These are roughly analogous to the three levels of NEPA review in U.S. (categorical exclusion determination, environmental assessment, and environmental impact statement), but there are some differences (refer to CEAA's website for more information). The term "environmental review" in this article refers to Canada's federal environmental review process. Following are some of the challenges addressed in the new law.

Timelines. In response to proponent concerns about process timeliness under the old law, the new law sets specific timelines for the federal government to complete its work. Timelines include enhanced opportunities for public participation and apply to the three types of environmental review:

- Screening Step (45 days)
- Standard Environmental Assessment (365 days)
- Review Panels (24 months)

The timelines apply to the aggregate total of government time spent working on the environmental review process. The government "clock" does not start until adequate information has been obtained from project proponents and a notice of initiation has been posted on the Internet. The government clock does not necessarily run continuously. It stops if, for example, further information is required from proponents and restarts once the information is received.

If a determination is made that a higher level of review is required, the entire timeline for completing the higher level review would then start (a 24-month period for a review panel would commence if referral occurred at any time during the screening step or standard environmental assessment process).

The 2012 Act also contains provisions for extensions of the timeline. Failure to complete an environmental review within the timelines does not automatically result in a "green light" for the project. A project's status will

(continued on page 7)

Canada's New Environmental Assessment Law

(continued from page 6)

be tracked throughout the environmental review process on CEAA's website, providing an incentive to meet the schedule.

Trigger. Under the old law, environmental review requirements were triggered whenever a federal authority was making a decision about a project, and all such project decisions required environmental review unless excluded by regulation. This "fixed trigger" resulted in a concern that too many small, routine projects required detailed review. The 2012 Act responds to this concern by designating through regulations a "project list" defining types of projects that are subject to the environmental review process. For example, regulations under the new law require a standard environmental assessment for: certain projects in a wildlife area or migratory bird sanctuary; a fossil fuel or hydroelectric generating plant with a production capacity of 200 megawatts or more; an electrical transmission line with a voltage of 345 kilovolts or more that is 75 kilometers or more in length on a new right-of-way; certain oil or oil sands processing facilities; oil and gas pipelines more than 75 kilometers in length on a new right-of-way; and many other defined types of projects.

The 2012 Act places considerable onus on proponents to provide CEAA with a project and context description in accordance with prescribed information requirements, and authorizes the Minister of the Environment to designate projects not identified in regulations for analysis via a standard environmental assessment or review panel.

Enforcement. Under the old law, enforcement relied on mechanisms in other laws and may not have been consistently applied. The 2012 Act addresses this issue by providing for direct enforcement of monitoring, mitigation, and other related project decisions. At the end of the environmental review process, the Minister of the Environment determines whether a project is likely to cause significant adverse environmental effects and, if so, whether these effects are justified.

A decision statement sets out conditions with which the proponent must comply. Failure to fulfill the conditions is a violation. Enforcement officers in relevant ministries will verify compliance with mitigation conditions. Violations may result in injunctions and fines ranging from $100,000 to $400,000 (Canadian). Unauthorized interim actions (proponent actions that cause adverse environmental effects taken before completion of the environmental review process or not covered under conditions in a decision document) are also violations subject to enforcement under the 2012 Act.

Regional Studies. Under the old law, environmental reviews were limited to project-specific reviews, making consideration of cumulative impacts difficult. In response to this issue, the 2012 Act provides for the use of regional studies (analogous to some programmatic and site-wide EISs prepared under NEPA) as a tool to examine cumulative effects of forecasted development scenarios that go beyond the impacts of a particular project.

Substitution and Equivalency. Under the old law, project proponents expressed concerns about regulatory burdens and duplicative environmental review processes. The 2012 Act responds to these concerns by enabling the Minister of the Environment to "substitute" (adopt) environmental documents prepared by provinces if they meet substantive requirements of the 2012 Act. Also, the federal Cabinet may exempt a designated project from application of the 2012 Act if there is an equivalent provincial assessment.

Results of implementing the 2012 Act may inform proposals to improve environmental review processes in other nations, but experience so far is limited because the law is relatively new.

Transitions: NEPA Compliance Officers

Portsmouth/Paducah Project Office: Cynthia Zvonar

Cynthia Zvonar now serves as an NCO for the Portsmouth/Paducah Project Office (PPPO) in Lexington, Kentucky, where she joins Kristi Wiehle, PPPO NCO since 2006. In addition to other responsibilities as an Environmental Program Specialist, Ms. Zvonar will assist Ms. Wiehle in overseeing activities at DOE's former uranium enrichment facilities in Portsmouth, Ohio, and Paducah, Kentucky, with an emphasis on the Paducah site.

Ms. Zvonar has been an environmental professional for more than 25 years, initially as a regulator for the State of Texas. As a contractor at DOE's Pantex Plant, she provided environmental compliance oversight, led audits of offsite waste disposal facilities, and assisted in preparing the *Site-wide EIS for the Continued Operation of the Pantex Plant and Associated Storage of Nuclear Weapon Components* (DOE/EIS-0225, 1996). She joined DOE's Carlsbad Field Office to assist the Waste Isolation Pilot Plant (WIPP) in acquiring a Resources Conservation and Recovery Act permit and Environmental Protection Agency certification for the transuranic waste repository, and later served as Manager of the Office of Environmental Compliance, which was responsible for all environmental regulatory programs, including NEPA, at WIPP. Ms. Zvonar can be reached at cynthia.zvonar@lex.doe.gov or 859-219-4066.

Energy Efficiency and Renewable Energy *and* Golden Field Office

The Office of Energy Efficiency and Renewable Energy (EERE) has expanded the roles of its NCOs, listed below, to include actions at both the Golden Field Office and EERE Headquarters:

- Lori Gray (lori.gray@go.doe.gov or 720-356-1568)
- Lisa Jorgensen (lisa.jorgensen@go.doe.gov or 720-356-1569) – contact for tribal issues and environmental justice
- Kristin Kerwin (kristin.kerwin@go.doe.gov or 720-356-1564)
- Jane Summerson (jane.summerson@ee.doe.gov or 202-287-6188)
- Robin Sweeney (robin.sweeney@go.doe.gov or 720-356-1562)

Pete Yerace, who in 2010 was assigned to help EERE and the Golden Field Office with Recovery Act NEPA reviews, resumes his role as the NCO for the Environmental Management Consolidated Business Center in Cincinnati, Ohio.

Othalene Lawrence has concluded her service as EERE's long-term NCO, and will now focus on other EERE responsibilities, working directly for the Acting Chief Operating Officer. She was first designated in 1991, only a year after DOE instituted the NCO position to coordinate program and field office NEPA compliance activities.

On behalf of the NEPA Community, we express our appreciation for Othalene's many contributions during two decades of service to the DOE NEPA Community. Ms. Lawrence assisted with the 2011 DOE NEPA rulemaking, notably by organizing EERE Building Program documentation to support the establishment of new categorical exclusions. To expedite EERE's Recovery Act NEPA reviews, she recommended an initiative that brought in other NCOs to help with the workload and helped develop a standard review approach for projects involving ground source heat pumps. We offer best wishes for her future endeavors.

Hanford Site: Woody Russell to Retire

Woody Russell, NCO since 2006 for the Richland Operations Office and Office of River Protection, has announced his retirement at the end of the year. As NCO, Mr. Russell updated the offices' NEPA compliance procedures and oversaw the completion of several major NEPA reviews, including a successful EA process that required extensive tribal and agency consultation to ensure protection of sensitive cultural and biological resources in the Fitzner/Eberhardt Arid Lands Ecology Reserve at the Hanford Site.

Before coming to Hanford, Mr. Russell served 9 years as the air quality subject matter expert for the Idaho Operations Office and worked for 2 years for the Idaho National Laboratory. He was the air quality lead for several major EISs and contributed substantially to DOE's Spent Nuclear Fuel Programmatic EIS, the Idaho High-Level Waste and Facilities Disposition EIS, and the Advanced Mixed Waste Treatment Project EIS. He also served as the federal coordinator to the Citizens Advisory Board at Idaho.

On behalf of the NEPA Community, we offer Woody best wishes for his future endeavors and express our appreciation for his many contributions to DOE's NEPA and environmental compliance programs. Woody made substantial contributions to a number of DOE's most complex EISs, notably the Hanford Tank Closure and Waste Management EIS. His efforts in working with the Bureau of Reclamation on the Yakima River Basin Study helped prevent mobilization of contaminated groundwater by a proposed reservoir. In addition, while at Hanford since 2001, he provided support for environmental permitting, compliance, Tri-Party Agreement implementation, and NEPA activities, including the start of Hanford's original Tank Closure EIS.

NEPA Office Welcomes John Jediny

John Jediny's GIS experience will be put to use in the NEPA Office's review of DOE EISs.

John Jediny joined the Office of NEPA Policy and Compliance as an Environmental Protection Specialist in October 2012. He came to the NEPA Office from the Office of Energy Efficiency and Renewable Energy (EERE), where he provided NEPA guidance and support to the 10 EERE program offices. As a member of EERE's "NEPA Swat Team," Mr. Jediny served as the NEPA document manager for many environmental assessments for renewable energy projects funded under the American Recovery and Reinvestment Act of 2009, and was the lead specialist for reviewing hundreds of proposals for ground source heat pump projects. He also created the first DOE-wide electronic form for posting categorical exclusion determinations publicly.

Most recently, Mr. Jediny was detailed to the Council on Environmental Quality (CEQ), where he served as Special Assistant and then Deputy Associate Director for NEPA Oversight from October 2011 through September 2012. While at CEQ, Mr. Jediny established an interagency NEPA Information Technology (IT) Working Group, and created a model framework for using IT to integrate project planning, development, and management with NEPA. He also compiled an inventory of federal geographic datasets with national coverage in an effort to increase the use of geographic information system (GIS) tools in environmental permitting and review processes (*LLQR*, September 2012, page 8). Mr. Jediny joins the Western Energy and Waste Management Unit where he will assist with development of the DOE NEPA Website, among other duties. He can be reached at john.jediny@hq.doe.gov or 202-586-4790.

EAs and EISs Completed July 1 to September 30, 2012

EAs[1]

Office of Fossil Energy
DOE/EA-1845 (8/7/12)
Sabine Pass Liquefaction Project, Cameron Parish, Louisiana
EA was adopted; therefore cost and time data do not apply to DOE. [The Federal Energy Regulatory Commission was the lead agency; DOE was a cooperating agency.]

Golden Field Office/Office of Energy Efficiency and Renewable Energy
DOE/EA-1888 (9/25/12)
Old Town Fuel and Fiber Proposed Demonstration-Scale Integrated Biorefinery, Old Town, Maine
Cost: $92,000
Time: 16 months

DOE/EA-1917 (8/15/12)
Wave Energy Test Facility Project, Newport, Oregon
Cost: $95,000
Time: 10 months

DOE/EA-1935 (9/18/12)
To'Hajiilee Solar Project, Bernalillo County, New Mexico
EA was adopted; therefore cost and time data do not apply to DOE. [The Department of the Interior's Bureau of Indian Affairs was the lead agency; DOE was a cooperating agency.]

National Nuclear Security Administration
DOE/EA-1929 (8/24/12)
Environmental Assessment for NorthStar Medical Technologies LLC Commercial Domestic Production of the Medical Isotope Molybdenum-99, Beloit, Washington
Cost: $387,000
Time: 7 months

Sandia Site Office/National Nuclear Security Administration
DOE/EA-1906 (7/11/12)
Environmental Assessment for the Operations, Consolidation, and Upgrades at the Office of Secure Transportation Western Command Site, Albuquerque, New Mexico
Cost: $39,000
Time: 12 months

Western Area Power Administration
DOE/EA-1909 (8/28/12)
South Table Wind Project, Kimball County, Nebraska
The cost for this EA was paid by the applicant; therefore, cost information does not apply to DOE.
Time: 11 months

DOE/EA-1938 (9/13/12)
Grieve Unit CO_2 Enhanced Recovery Project, Natrona County, Wyoming
EA was adopted; therefore cost and time data do not apply to DOE. [The Department of the Interior's Bureau of Land Management (BLM) was the lead agency; DOE was a cooperating agency.]

EISs

Office of Energy Efficiency and Renewable Energy
DOE/EIS-0403 (77 FR 44234, 7/27/12)
(EPA Rating: EO-2)
Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States
[BLM and DOE were co-lead agencies. Cost data are not applicable for metrics purposes. DOE provided approximately $3.9 million in cost-shared funding to complete this document.]
Time: 50 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 *www.epa.gov/compliance/nepa/comments/ratings.html*.)

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

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

- *Consolidated objectives*. The scoping process facilitated the consolidation of multiple objectives under a single EA. The scope was modified to assess impacts of land use changes and the proposed transfer of certain land parcels not previously assessed.

Schedule

Factor that Facilitated Timely Completion of Documents

- *Timeliness*. Adherence to deadlines and timelines for EA team members to provide comments on draft documents facilitated timely completion.

Factor that Inhibited Timely Completion of Documents

- *Staff change*. There was a small delay due to a change in the technical writer preparing the EA.

Teamwork

Factors that Facilitated Effective Teamwork

- *Good team dynamics*. Good team dynamics were evident as the involved parties worked well together to resolve issues.
- *Good working relationships*. There was a good working relationship between the NCO and the NEPA Document Manager.
- *Team meetings*. Document review meetings with all parties present were helpful to get all questions answered on the spot.
- *Previous working relationship*. Previous working experience among the technical writers and the NCO facilitated effective teamwork due to an understanding of individual capabilities.

Process

Successful Aspects of the Public Participation Process

- *Early public interaction*. An early public information session to describe the scope of the EA was effective in briefing the public and gaining trust in the NEPA process. The public and media were very engaged with the project and the EA process.
- *Electronic EA distribution*. The EA was distributed electronically, which made the document quickly available for public viewing, saved funds, eliminated the use of paper/resources, and reduced waste. [*Editor's note: An email was sent to the site's interested stakeholders providing a website link to the document and offering a paper copy if requested.*]

Usefulness

Agency Planning and Decisionmaking: What Worked

- *Support for agency actions*. The EA process supported the property title transfer and established land use restrictions in transfer deeds.
- *Proactive measure*. The EA was done as a proactive measure so it was completed with no impact to the schedule of a proposed future construction project.

Enhancement/Protection of the Environment

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

(continued on next page)

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 2 EA questionnaire responses were received, both respondents rated the NEPA process as "effective." One rated the process as "4" and one rated the process as "3."

- The respondent who rated the process as "4" stated that the NEPA process and the data derived from the process provided the decisionmakers with enough information to assess land use impacts for a brownfield redevelopment project.
- The respondent who rated the process as "3" stated that the NEPA process was necessary but very lengthy.

NEPA Document Cost and Time Facts

EA Cost and Completion Times

- For this quarter, the median cost for the preparation of 4 EAs for which cost data were applicable was $94,000; the average cost was $153,000.
- Cumulatively, for the 12 months that ended September 30, 2012, the median cost for the preparation of 28 EAs for which cost data were applicable was $94,000; the average was $154,000.
- For this quarter, the median and average completion times of 5 EAs for which time data were applicable were 11 months.
- Cumulatively, for the 12 months that ended September 30, 2012, the median completion time for 32 EAs for which time data were applicable was 12 months; the average was 17 months.

EIS Cost and Completion Times

- No EISs were completed this quarter for which cost data were applicable.
- Cumulatively, for the 12 months that ended September 30, 2012, the median and average costs for the preparation of 2 EISs for which cost data were applicable were $4.1 million.
- For this quarter, the completion time for 1 EIS for which time data were applicable was 50 months.
- Cumulatively, for the 12 months that ended September 30, 2012, the median and average completion times for 6 EISs for which time data were applicable were 33 months.