

THE COUNCIL ON ENVIRONMENTAL QUALITY SOUTHERN REGIONAL NEPA ROUNDTABLE AGENDA

The Cadre Building
149 Monroe Avenue
Memphis, Tennessee 38103

December 11th – 12th, 2003

December 11, 2003

- 8:15 a.m. Registration Begins
- 9:00 – 10:00 a.m. Welcome and Opening Remarks
- Horst Greczmiel, Associate Director for NEPA Oversight, Council on Environmental Quality
 - Trip Pollard, Southern Environmental Law Center
 - Pete Conroy, Environmental Policy Information Center, Jacksonville State University
 - Deb Hall, Nicholas School of the Environment and Earth Sciences, Duke University
 - Ray Clark, President, The Clark Group LLC
- 10:00 – 10:30 a.m. Discussion of NEPA Background & Roundtable Goals
- 10:30 – 10:40 a.m. Break
- 10:40 – 11:20 a.m. Discussion of Recommendations for Federal and Intergovernmental Collaboration
- Formation of a Federal Advisory Committee to:
 - Identify, develop and share methods of engaging federal, state, local, and tribal partners in training on:
 - NEPA principles
 - Agency missions
 - Collaboration skills
 - Develop guidance on the components of successful collaborative agreements and provide templates applicable to various situations and stages of the NEPA process
 - Develop training for the public on NEPA requirements and effective public involvement
 - Develop a “Citizen’s Guide to NEPA”
 - CEQ should sponsor forums to integrate federal and state NEPA requirements
- 11:20 a.m. – 12:15 p.m. Discussion of Recommendations for Environmental Assessments
- CEQ should issue guidance to:
 - Recognize the broad range in size of environmental assessments (EAs)
 - Clarify that size should be commensurate with magnitude and complexity of environmental issues, public concerns, and project scope
 - Describe the minimum requirements for short EA’s

- Clarify the requirements for public involvement, alternatives, and mitigation for actions that warrant longer EA's including those with mitigated findings of no significant impact
- CEQ should issue a clarifying memo to:
 - Reiterate the minimum statutory and regulatory requirements for a short EA

Discussion of Recommendations on Categorical Exclusions

- CEQ should clarify and promote consistent practices for categorical exclusion:
 - Development
 - Public review
 - Approval
 - Use
 - Documentation

12:15 – 1:15 p.m.

Working Lunch

12:15 – 12:45

Presentations by sponsors of the event

- Trip Pollard, Southern Environmental Law Center
- Pete Conroy, Environmental Policy Information Center, Jacksonville State University
- Deb Hall, Nicholas School of the Environment and Earth Sciences, Duke University

12:45 – 1:15 p.m.

Discussion of Recommendations for Technology and Information Management and Security

- Issue guidance to clarify appropriate roles of communications and information dissemination technologies in the NEPA process to enhance public involvement
- Develop an interagency NEPA technical working group to coordinate with interagency groups regarding protocols and standards pertaining to data, information management, modeling tools, and information security
- CEQ should lead an interagency development of internal agency review protocol to:
 - Promote consistent policies for dealing with sensitive information
 - Review agency quality assurance and quality control for NEPA analyses and documentation

1:15 – 1:25 p.m.

Break

1:25 – 2:00 p.m.

Synopsis of morning discussion

2:00 – 2:40 p.m.

Discussion of Recommendations for Adaptive Management and Monitoring

- CEQ should form an Adaptive Management Work Group to:
 - Integrate the NEPA process with environmental management systems
 - Initiate a pilot study to identify, implement, and document representative actions using an adaptive management approach during the NEPA process to

- identify aspects of the analyses and documentation requiring CEQ guidance or regulatory action
- Assess the applicability of NEPA guidance and regulations to adaptive management

2:40 – 3:20 p.m.

Discussion of Recommendations on Programmatic Analyses and Tiering

- Convene a Federal Advisory Committee or Work Group to advise CEQ on:
 - Developing guidance or changing regulations to clearly define the different uses of programmatic analyses, tiering, and associated documentation
 - Developing guidance or changing regulations to define the appropriate scope of programmatic and tiered analyses and documents:
 - Range of issues
 - Depth of analyses
 - Level of description
- Develop guidance to:
 - Include potential future partners, stakeholders, and cooperating agencies in early discussions on the programmatic process
 - Identify and effectively and efficiently address their issues in subsequent tiered NEPA documents
 - Explain the relationship between the programmatic document and future tiered documents:
 - Who will be involved
 - At what stage
 - How potential issues will be addressed
 - What are temporal and spatial scales of analysis
 - Specify criteria to determine age when a programmatic NEPA analysis and document requires supplementation

3:20 – 3:30 p.m.

Break

3:30 p.m. – Conclusion

Public Comment
Closing Remarks

December 12, 2003

8:30 a.m.

Registration Opens—Continental Breakfast

9:00 – 9:15 a.m.

Summary of discussions and issues addressed the previous day

9:15 – 10:50 a.m.

Discussion of Recommendations for Additional Considerations

- Alternatives
 - Develop a working group and guidance documents to:
 - Explore the use of a facilitated, collaborative process to develop and refine alternatives and outline how agencies can document the process of refining a proposal and conforming to CEQ regulations

- Coordinating Compliance with Other Laws
 - Develop a handbook and sponsor forums to
 - Integrate the NEPA process with Endangered Species Act Section 7 consultation, National Historic Preservation Act Section 106 coordination, Clean Air Act conformity requirements, and Clean Water Act total maximum daily load and Section 404 requirements
- Social, Cultural and Economic Analyses
 - Develop a handbook to:
 - Develop tools for when and how social, cultural and economic analysis should be performed
- Disputes and Post-Decisional Reviews
 - Assess the effectiveness of alternatives for resolving disputes during and after the NEPA process - including disputes over environmental mitigation and project implementation
- Three General Recommendations:
 - Establish a professional position, or positions, to provide technical NEPA process consultation and better coordinate advice and guidance to agencies about improving NEPA implementation and environmental analyses
 - Convene an annual NEPA legal forum to (1) Discuss important NEPA case law and issues of interest, (2) recommend any CEQ guidance needing clarification and (3) facilitate a consensus on addressing legal issues
 - Develop a handbook or web publication to provide existing guidance by topic area and supplement when new guidance is issued

10:50 – 11:00 am

Break

11:00 a.m. – 12:30 p.m.

Public Comments
Closing Comments