

# **Recommendations to Modernize NEPA Implementation**

## **Interagency Work Groups**

CEQ Point of Contact for Implementation:  
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### Work Groups:

- National Environmental Policy Act (NEPA) – Environmental Management Systems (EMS) Guidance: see **Environmental Management Systems and NEPA** on page 2
- Adaptive Management – EMS – NEPA Handbook: see **Adaptive Management, Environmental Management Systems and NEPA** on page 4
- Aligning / Harmonizing NEPA and other Laws Handbook: see **Aligning / Harmonizing NEPA and other Laws** on page 6
- Guidance on Establishing Categorical Exclusions: see **Categorical Exclusions** on page 9
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- Collaboration Guidance and Handbook: see **Collaboration** on page 13
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# Environmental Management Systems and NEPA

**Interagency work group to develop and recommend guidance on linking the NEPA process with environmental management systems (EMS).**

## **TIMELINES AND MILESTONES:**

- December 13, 2005: Finalize draft of NEPA-EMS Complementary Processes Guidance Memorandum
- December 23, 2005: Request comments from federal agencies and CEQ NEPA Modernization Round Table participants
- January 27, 2006: Comments due
- February 24, 2006: Revise draft guidance based on comments
- March 17, 2006: Prepare and issue Register Notice requesting public comments on the draft guidance
- April 21, 2006: Comments due
- June 23, 2006: Finalize NEPA-EMS guidance and submit to CEQ

## **DESCRIPTION OF PROPOSED GUIDANCE:**

- I. CEQ Memorandum
  - A. Narrative providing background information on the NEPA and EMS processes pointing out their complementary natures
  - B. Examples of actions agencies can take to implement complementary EMS elements and NEPA processes.
  - C. Several ways EMS and NEPA processes can work together to improve how Federal agencies manage impacts on the environment.
- II. EMS-NEPA Crosswalk  
Table providing brief description of each of the elements in the ISO 14001 EMS Standard/EMS and complementary NEPA processes.

## **WORK GROUP MEMBERS:**

Work Group Leader for NEPA – EMS Guidance:

- Matthew McMillen, Environmental Protection Specialist, Office of Environment and Energy
- Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT)

Designated Members:

- Michael R. Barr, Environmental Specialist, U.S. Postal Service (USPS)

- Jack Bush, Senior Planner/NEPA Program Manager, Basing and Units – HQ U.S. Air Force (USAF)
- Michael (Mike) Green, Environmental Engineer, Environmental Management Division, National Aeronautics and Space Administration (NASA)
- Malka Pattison, Program Analyst, Office of Policy Analysis, Office of the Secretary, U.S. Department of the Interior (DOI)
- Karol Turner, Environmental Program Manager, Department of the Treasury
- Ellen Winters, Program Analyst, Office of Policy Analysis, Office of the Secretary, DOI
- Bruce Yeager, NEPA Team Leader/Senior Specialist, Tennessee Valley Authority (TVA)

Other Members:

- Joe Carbone, National Environmental Policy Act Coordinator, Office of Ecosystem Management, U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA)
- Tara Conrad, Special Assistant, Office of the Secretary, DOI
- Will Garvey, Chair, EO 13148 Interagency Environmental Leadership Workgroup, U.S. Environmental Protection Agency (EPA)
- Chris Grubach, Manager for Safety, Health and Environment, U.S. Mint, Department of the Treasury
- Marlys Osterhues, Environmental Protection Specialist, Office of Project Development and Environmental Review, Federal Highway Administration (FHWA), DOT
- Edwin Pinero, Federal Environmental Executive, Office of the Federal Environmental Executive (OFEE)
- Carl Shapiro, Science Impact Program Coordinator, U.S. Geological Survey (USGS), DOI
- Mark Sudol, Chief Regulatory Program, U.S. Army Corps of Engineers
- Karen Waldvogel, Environmental Engineer, Office of Procurement and Property Management, Hazardous Materials Management Division, USDA
- Steven Woodbury, Environmental Protection Specialist, Office of Pollution Prevention and Resource Conservation Policy and Guidance, U.S. Department of Energy (DOE)

# **Adaptive Management, Environmental Management Systems and NEPA**

**Interagency work group to develop a handbook providing useful practices for linking NEPA and EMS and/or adaptive management processes (AM) with case studies that highlight successful characteristics for AM and/or EMS to complement the NEPA process.**

## **TIMELINES AND MILESTONES:**

- December 2005: Prepare and transmit, via CEQ, adaptive management case study information request to agencies heads and CEQ NEPA Modernization Round Table participants
- February 1, 2006: Deadline for case study submissions
- March – May 2006: Prepare and request comments from federal agencies and CEQ NEPA Modernization Round Table participants
- June – September, 2006: Prepare and issue Register Notice requesting public comments on the draft guidance
- October – November, 2006: Public and other comments due and revise draft AM Guidebook
- January, 2007: Submit AM Guidebook to CEQ

## **DESCRIPTION OF PROPOSED GUIDEBOOK:**

### I. Executive Summary

### II. Introduction

- A. What is adaptive management?
- B. Purpose of the Guidebook
- C. Methods used
- D. Participants

### III. Application of Adaptive Management to the NEPA and EMS Processes

- A. Management issues and uncertainties prompting use of adaptive management
- B. Role of NEPA
- C. Role of EMS
- D. Monitoring
- E. Adapting to new information

### F. Evaluating the process

- G. Public participation
- H. Benefits and challenges of using AM

- IV. Useful management practices
  - A. Common threads for success and challenges
  - B. Lessons learned
  - C. Issues to be addressed
- V. Conclusion
- VI. Appendix: Case Study Examples (include agency responses)

**WORK GROUP MEMBERS:**

Work Group Leader for Adaptive Management-Environmental Management Systems – NEPA Handbook:

- Malka Pattison, Program Analyst, Office of Policy Analysis, Office of the Secretary, U.S. Department of the Interior (DOI)

Designated Members:

- Michael (Mike) Green, Environmental Engineer, Environmental Management Division, National Aeronautics and Space Administration (NASA)
- Steve Kokkinakis, Environmental Protection Specialist, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce (DOC)
- Ellen Winters, Program Analyst, Office of Policy Analysis, Office of the Secretary, DOI
- Bruce Yeager, NEPA Team Leader/Senior Specialist, Tennessee Valley Authority (TVA)

Other Members:

- Michael R. Barr, Environmental Specialist, U.S. Postal Service (USPS)
- Tara Conrad, Special Assistant, Office of the Secretary, DOI
- Will Garvey, Chair, EO 13148 Interagency Environmental Leadership Workgroup, U.S. Environmental Protection Agency (EPA)
- Chris Grubach, Manager for Safety, Health and Environment, U.S. Mint, Department of the Treasury
- Matthew McMillen, Environmental Protection Specialist, Office of Environment and Energy, Federal Aviation Administration (FAA), Department of Transportation (DOT)
- Edwin Pinero, Federal Environmental Executive, Office of the Federal Environmental Executive (OFEE)
- Carl Shapiro, Science Impact Program Coordinator, U.S. Geological Survey (USGS), DOI
- Mark Sudol, Chief Regulatory Program, U.S. Army Corps of Engineers
- Karol Turner, Environmental Program Manager, Department of the Treasury
- Karen Waldvogel, Environmental Engineer, Office of Procurement and Property Management, Hazardous Materials Management Division, Department of Agriculture (USDA)
- Richard Whitley, Executive Liaison for Citizen Stewardship and Adaptive Management, Bureau of Land Management (BLM), DOI

# Aligning (Harmonizing) NEPA and other Laws

**Interagency work group to develop a handbook to address the coordination of NEPA with one or more major environmental consultation and coordination requirements.**

## **TIMELINES AND MILESTONES:**

- December 2005 – May 2006: Finalize draft of Handbook
- June 2006: Request comments from federal agencies and CEQ NEPA Modernization Round Table participants
- July 2006: Comments due
- August - September 2006: Revise draft Handbook based on comments
- September 2006: Prepare and issue Register Notice requesting public comments on the draft guidance
- October 2006: Comments due
- November 2006 – January 2007: Finalize Handbook
- February 2007: Submit Handbook to CEQ

## **DESCRIPTION OF PROPOSED HANDBOOK:**

- I. Introduction
  - A. Establish a goal to ensure, to the maximum extent practicable, harmonizing completion of other environmental requirements during the NEPA process.
  - B. Recommend two-tiered approach to accomplish the goal:
    - i. documenting completion of the compliance requirements of the respective laws; or
    - ii. committing to a project-specific compliance program (e.g., historic data recovery and recordation) implemented during future project phases (design/construction or plan implementation)
  - C. Describe environmental resource focus (as opposed to statute/regulation focus) and overview of the approach outlined in the handbook.
- II. Detailed Procedures for the 5 Major Environmental Resources of Concern:  
Suggest procedures to ensure compliance with the following during the NEPA process:
  1. Historic Properties (Section 106 of the National Historic Preservation Act [NHPA]);
  2. Air Quality Conformity Provisions of the Clean Air Act;
  3. Federally Listed Species and Critical Habitats (Section 7 of the Endangered Species Act [ESA]);
  4. Waters of the United States, including wetlands and other aquatic resources (Section 404 of the Clean Water Act [CWA]); and

5. Total Maximum Daily Load (TMDL) Provisions of the CWA.

by providing:

- A. Overview of compliance requirements of the respective laws, as well as their implementing regulations/policies/guidance
  - i. Discuss statute-specific provisions for combining their compliance requirements with the NEPA process (e.g., NHPA [36 CFR 800.8] and ESA [50 CFR 402.06]).
  - ii. Discuss whether the respective laws have their own NEPA compliance responsibilities (e.g., 404), and how those are traditionally addressed.
- B. Similarities/differences in the definitions (terms of art) used in the respective statutes.
- C. Commonalities in the respective processes that can run parallel with NEPA process.
- D. Identify potential challenges that inhibit parallel processing.
- E. Provide recommendations (with flow chart and/or cross-walk).

III. Overview of Procedures for other Environmental Requirements:

Suggest procedures to ensure compliance requirements for the following environmental resources/issues are met during the NEPA process:

- 1. Coastal Zones
- 2. Wild, Scenic, and Recreational Rivers
- 3. Essential Fish Habitat
- 4. Sole Source Aquifers
- 5. Marine Mammals
- 6. Coastal Barriers
- 7. Migratory Birds
- 8. Environmentally Significant Agricultural Lands
- 9. Coral Reefs
- 10. Invasive Species
- 11. State NEPAs

by providing:

- A. Overview of compliance requirements.
- B. Discuss whether these resource areas involve laws with their own NEPA compliance responsibilities.
- C. Discuss how compliance is traditionally addressed.
- D. Similarities/differences in the definitions/terms of art.
- E. Commonalities in the respective resource area compliance processes that can run parallel with NEPA process.
- F. Identify potential challenges that inhibit parallel processing with NEPA.

The list is not all inclusive; additional resources may be included or, depending on the time needed to complete the first two sections, may be addressed in a second Handbook.

**WORK GROUP MEMBERS:**

Work Group Leader for Harmonizing NEPA and other Laws Handbook:

- Robert Hargrove, Director, NEPA Compliance Division, Office of Federal Activities, U.S. Environmental Protection Agency (EPA)

Designated Members:

- David Blick, Historic Preservation Officer, U.S. Department of Housing and Urban Development (HUD)
- Steve Hocking, Interagency Coordinator, Federal Energy Regulatory Commission (FERC)
- Jomar Maldonado, Environmental Program Specialist, Federal Emergency Management Agency (FEMA), U.S. Department of Homeland Security (DHS)
- Tina Norwood, Cultural and Resource Management Programs, National Aeronautics and Space Administration (NASA)
- CDR Michael Palmer, Legal Counsel, Navy Chief of Naval Operations, Environmental Readiness (N45), U.S. Department of the Navy (DON)
- Charlene Vaughn, Assistant Director for Federal Program Development, Advisory Counsel on Historic Preservation (ACHP)
- Debra Yap, Director, Regulatory Study and Advocacy Division, General Services Administration (GSA)

Other members:

- Karen Foskey, Environmental Planning Lead, Office of the Chief of Naval Operations (N45), DON
- LTCDR Hipfel, Legal Counsel, Navy Chief of Naval Operations Environmental Readiness (N45), DON
- John Ketchum, Historic Preservation Officer, Federal Emergency Management Agency (FEMA), DHS
- Lisa Mahoney, Environmental and Cultural Resources Program Manager, US-VISIT, DHS
- MaryAnn Naber, Federal Preservation Officer, Federal Highways Administration, U.S. Department of Transportation (DOT)
- Kathleen Schamel, Federal Preservation Officer, Conservation and Environmental Programs Division, Farm Service Agency (FSA), U.S. Department of Agriculture (USDA)



# Categorical Exclusions

**Interagency work group to develop and recommend guidance on how to develop and revise categorical exclusions (CEs). The proposed guidance will include methods available to: describe a category of actions, substantiate the determination that the category of actions does not individually or cumulatively have a significant effect on the quality of the human environment, and involve the public in the development of CEs.**

## **TIMELINES AND MILESTONES:**

- December 2005 – January 2006: continue drafting guidance
- February 2006: Complete draft guidance and request comments from federal agencies
- March 2006: receive comments, continue editing draft guidance
- April – May 2006: complete revision
- May 2006: - provide draft guidance to CEQ NEPA Roundtable participants for 30 day comment period
- June 2006: receive comments from Roundtable participants and incorporate comments into draft guidance
- July 2006: Prepare and issue Register Notice requesting public comments on the draft guidance
- August – September 2006: review and incorporate public comments
- October – November 2006: complete final draft guidance
- December 2006: present guidance to CEQ

## **DESCRIPTION OF PROPOSED GUIDANCE:**

- I. Purpose  
To establish guidance is to assist federal agencies, and other interested parties (e.g., state, local and tribal governments, non-governmental organizations, and citizens) in developing, and revising CEs by promoting consistent and clear practices and processes (e.g., what an agency substantively and procedurally can do to substantiate a determination that a categorical exclusion should be established.
- II. Background
  - A. NEPA
  - B. Categorical exclusions
  - C. NEPA Task Force
- III. Guidance
  - A. What is a categorical exclusion?
  - B. How can a federal agency determine when a CE is needed?

- C. How can a federal agency document the establishment or revision of a CE?
  - i. Environmental effects analysis and monitoring
  - ii. Agency and expert opinion
  - iii. Research studies
  - iv. Previous NEPA EA and EIS records
  - v. Benchmark similar CEs established/revised by other agencies
- D. What administrative process should be used to adopt a CE?
  - i. CEQ input and review
  - ii. Public comment
- E. What process can be used to obtain public comment?
- F. Should agencies review and monitor their CEs?

IV. Appendix including case histories illustrating lessons learned.

**WORK GROUP MEMBERS:**

Work Group Leader for Guidance on Establishing Categorical Exclusions:

- Catherine Lorraine, Director, Policy Development and Coordination Staff, Office of Policy, Food and Drug Administration (FDA), U.S. Department of Health and Human Services (DHHS)

Designated Members:

- Troy Brady, Environmental Protection Specialist, Section of Environmental Analysis, Surface Transportation Board (STB)
- Reta Laford, NEPA Specialist, Ecosystem Management Coordination, U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA)
- Brent Paul, Environmental Officer, Federal Emergency Management Agency (FEMA), U.S. Department of Homeland Security (DHS)
- Walter Prybyla, Community Planner, Office of Environment and Energy, U.S. Department of Housing and Urban Development (HUD)
- Paul Robert, Environmental Engineer, Environmental Management Division, National Aeronautics and Space Administration (NASA)
- Lee Salviski, National NEPA Program Manager, General Services Administration (GSA)

Other Members:

- Suzanne Fitzpatrick, Science Advisor, Office of the Commissioner, Food and Drug Administration (FDA), DHHS
- Carolyn Osborne, Supervisory Environmental Protection Specialist, Office of NEPA Policy and Compliance (EH-42), U.S. Department of Energy (DOE)
- Marlys Osterhues, Environmental Protection Specialist, Office of Project Development and Environmental Review, Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT)

# Categorical Exclusions

**Interagency work group to develop and recommend guidance on applying an agency's CE to a specific proposed action. The proposed guidance will address how agencies can substantiate the determination that a CE is appropriately used for a proposed action, and how agencies can better inform the interested and affected parties of this determination.**

## **TIMELINES AND MILESTONES:**

- December 14, 2005: Finalize Outline; develop questions for agencies
- January 12, 2006: Provide draft of assigned sections to Task Group for review
- January 18, 2006 – February 21, 2006: Revise and finalize draft
- February 23, 2006: Request comments from federal agencies and CEQ NEPA Modernization Round Table participants
- March 17, 2006: Deadline for responses
- March 21, 2006 – April 18, 2006: Review/discuss/respond to agency comments
- Apr 18, 2006: Hold meeting with Federal agencies to reconcile comments
- May 16, 2006: Finalize draft guidance
- May 19, 2006: Prepare and issue Register Notice requesting public comments on the draft guidance
- June 19, 2006: Deadline for comments
- July 18 – August 06, 2006 Collect/review comments; produce draft product
- September 2006: Provide final draft guidance to CEQ

## **DESCRIPTION OF PROPOSED GUIDANCE:**

- I. Purpose: To establish guidance and effective approaches for the consistent and efficient use and documentation of existing agency categorical exclusions.
- II. Background:
  - A. CEs as part of the NEPA process
  - B. Overview of existing practices
- III. Guidance:
  - A. Applying the categorical exclusion:
    - i. Definition of a CE
    - ii. Does the proposed action fit within the category?
    - iii. Can you use multiple CEs for a single action?
    - iv. Who makes the CE decision?
    - v. When should public involvement be considered?
    - vi. Can CEs be shared among Federal agencies?
  - B. The Role of Extraordinary Circumstances (ECs):

- i. Do ECs apply and when is this determined?
- ii. What is the EC threshold that triggers an EA or EIS?
- iii. How are ECs related to the requirements to other laws and Eos?
- iv. Can ECs be sculpted to address the unique characteristics of CE categories?

C. Processing and Documenting CEs:

- i. What are programmatic CEs and how can they be used?
- ii. What are the NEPA and non-NEPA requirements for documentation?
- iii. What factors should be considered in defining CE review and documentation?
  - 1) The potential to affect.
  - 2) Potential to trigger ECs

D. Developing Documentation Levels (Continuum):

- i. CE categories not requiring documentation.
- ii. CE categories requiring statement of category used and that no EC exist.
- iii. CE Categories requiring more complete review and documentation, such as justification of use of category, evaluation of ECs, or consultations confirming ECs not triggered.

IV. Monitoring of Projects that have been categorically excluded:

- A. Change in scope of work.
- B. Meeting prescribed conditions.

**WORK GROUP MEMBERS:**

Work Group Leader for Guidance on Using Categorical Exclusions:

Brent Paul, Environmental Officer, Federal Emergency Management Agency (FEMA), U.S. Department of Homeland Security (DHS)

Designated Members:

- Reta Laford, NEPA Specialist, Ecosystem Management Coordination, U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA)
- Charles (Chuck) Nicholson, Senior NEPA Specialist, Tennessee Valley Authority (TVA)
- Lee Salviski, National NEPA Program Manager, General Services Administration (GSA)

Other Members:

- Carolyn Osborne, Supervisory Environmental Protection Specialist, Office of NEPA Policy and Compliance (EH-42), U.S. Department of Energy (DOE)
- David Reese, Environmental Planning Program Manager / Cultural Resources Program Manager, Administrative Services, DHS

# Collaboration

## Interagency work group to:

- (1) **develop and recommend guidance to federal agencies on the components of successful collaborative agreements, and to develop examples (templates) applicable to various types of NEPA analyses and stages of the NEPA process (from initiation or scoping through publication of NEPA documents); and**
- (2) **develop a “useful practices” handbook on collaboration with case studies that showcase the characteristics of successful collaborative efforts.**

## TIMELINES AND MILESTONES:

- December 2005: Continue review/revision of draft sections of guidance
- January 2006: Draft all sections; bring in other resource people (FACA, etc)
- March 2006: Complete draft guidance; outline handbook
- April 2006: Request comments from federal agencies and CEQ NEPA Modernization Round Table participants; start work on handbook
- May 2006: Revise guidance & prepare and issue Register Notice requesting public comments on the draft guidance; continue work on handbook
- Summer 2006: Complete public review of guidance and other materials; continue and complete work on handbook
- September/October 2006: Prepare and issue Register Notice requesting public comments on the handbook
- November 2006: Revise based on input received
- December 2006: Submit final draft guidance and handbook to CEQ

## DESCRIPTION OF PROPOSED GUIDANCE:

### Collaboration Guidance:

- I. Problem Statement
- II. Defining Collaboration
- III. Basic Principles for NEPA Collaboration
  - A. General policy guidance
- IV. Basic Approach to Collaboration (using IAP2 spectrum concept)
  - A. Benefits of NEPA Collaboration
  - B. When Is NEPA Collaboration Appropriate/Inappropriate
- V. How Can Collaboration Be Used Throughout the NEPA Process

- A. EAs
  - B. EIS steps
- VI. Issues and Challenges of NEPA Collaboration
    - A. Attitudinal challenges
    - B. NEPA procedural issues
    - C. Process design challenges
  - VII. Structural Challenges and Opportunities for NEPA Collaboration
    - A. FACA
    - B. APA
    - C. Negotiated Rulemaking; ADRA
    - D. Coordination with other laws (ESA, CWA, etc.)
  - VIII. Suggestions for Addressing NEPA Collaboration Challenges
    - A. Establishing Mutual Expectations with Collaboration Participants
    - B. FAQs
  - IX. Appendix: Template Charters and MOUs

Collaboration Handbook:

Case Studies/Specific & Detailed Examples of Collaboration in NEPA Process

## **WORK GROUP MEMBERS:**

Co-Leads for Collaboration Guidance and Handbook:

- Kirk Emerson, Director, U.S. Institute for Environmental Conflict Resolution, Morris K. Udall Foundation
- Elena Gonzalez, Director, Office of Collaborative Action and Dispute Resolution (CADR), U.S. Department of the Interior (DOI)
- Cliff Rader, Environmental Protection Specialist, Office of Federal Activities, U.S. Environmental Protection Agency (EPA)
- Valerie Nottingham, Chief, Environmental Quality Branch, National Institute of Health (NIH), U.S. Department of Health and Human Services (DHHS)

Designated Members:

- Ms. Shelby Mendez, Environmental Protection Specialist, Strategic Planning Office, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce (DOC)
- Lee Salviski, National NEPA Program Manager, General Services Administration (GSA)
- Martha Twarkins, NEPA Specialist, Ecosystem Management Coordination staff (Washington Office), U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA)

Other Members:

- Laura Bachle, Conflict Resolution Specialist, Office of General Counsel, EPA

- David Emerson, Natural Resource Program Coordinator, Office of Collaborative Action and Dispute Resolution (CADR), DOI
- Michael Eng, Senior Program Manager, U.S. Institute for Environmental Conflict Resolution, Morris K. Udall Foundation
- Ruth Rentch, Environmental Protection Specialist, Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT)
- Julia Riber, Appeals and Litigation Group Leader, USDA-FS Region 1, U.S. Forest Service (USFS), USDA
- Peter Williams, Collaborative Planning and Multiparty Monitoring Specialist, USDA-FS Ecosystem Management Coordination, Inventory and Monitoring Institute, U.S. Forest Service (USFS), USDA

# Environmental Assessments

**Interagency work group to develop and recommend guidance to federal agencies on environmental assessments (EAs). The proposed guidance will address: the requirements and contents of EAs; the appropriate range in size of EAs based on the magnitude and complexity of environmental issues, public concerns, and project scope; public involvement; alternatives; and mitigation, particularly when the EA concludes with a mitigated finding of no significant impact.**

## **TIMELINES AND MILESTONES:**

- October 2005: Prepare Sub-group Outlines for each of the five topic areas
- November 2005: Initiate development of a Master Outline that seamlessly incorporates the five Sub-group Outlines
- December 2005: Complete Master Outline and initiate text development
- April 2006: Request comments from federal agencies and CEQ NEPA Modernization Round Table participants
- July 2006: Issue Draft Guidance Memorandum for 30-day public comment period\*
- October 2006: Submit Final Guidance Document to CEQ for disposition

\* Note: At a minimum, a Federal Register notice will be published to inform the public of the draft document's availability

## **DESCRIPTION OF PROPOSED GUIDANCE:**

- I. Introduction
- II. Background
  - A. Purpose of an EA
  - B. Description of Issues Addressed (Format, Content, Public Involvement, Alternatives, Mitigation)
- III. Types of EAs
  - A. Discussion of the Continuum of EAs
  - B. Rationale for Addressing Short and Long EAs
- IV. Short EAs
  - A. Format Guidance
  - B. Content Guidance
  - C. Public Involvement Guidance
  - D. Alternatives Guidance
  - E. Mitigation Guidance



- F. FONSI Guidance
  
- V. Long EAs
  - A. Format Guidance
  - B. Content Guidance
  - C. Public Involvement Guidance
  - D. Alternatives Guidance
  - E. Mitigation Guidance
  - F. FONSI Guidance
  
- VI. Guidance for Other Types of EAs
  - A. Supplemental EAs
  - B. Programmatic EAs
  - C. Special EAs

**WORK GROUP MEMBERS:**

Work Group Leader for EA Guidance:

- Ken Kumor, NASA NEPA Coordinator, Environmental Management Division, National Aeronautics and Space Administration (NASA)

Designated Members:

- Kim DePaul, Deputy Director, Office of Federal Activities, U.S. Environmental Protection Agency (EPA)
- Harold Draper, NEPA Team Leader, Tennessee Valley Authority (TVA)
- Karen Foskey, Environmental Planning Lead, Office of the Chief of Naval Operations (N45), U.S. Navy (USN)
- Susan Koetting, Environmental Lawyer, U.S. Postal Service (USPS)
- Frank J. Monteferrante, Ph.D., Intergovernmental Affairs Specialist, Office of External Affairs and Communication, Economic Development Administration (EDA), U.S. Department of Commerce (DOC)
- Brent Paul, Environmental Officer, Federal Emergency Management Agency (FEMA), U.S. Department of Homeland Security (DHS)
- Martha Twarkins, NEPA Specialist, Ecosystem Management Coordination, U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA)

Other Members:

- Carrie Branson, Attorney, Law Department, U.S. Postal Service (USPS)
- Jomar Maldonado, Environmental Program Specialist, Federal Emergency Management Agency (FEMA), DHS

# Monitoring

**Interagency work group to develop and recommend guidance to federal agencies on ways to collaboratively monitor proposals that rely upon the use of CEs and EAs to satisfy agency NEPA requirements.**

## **TIMELINES AND MILESTONES:**

- January 2006: Complete outline
- February – April 2006: Prepare draft guidance
- May 2006: Request comments from federal agencies and CEQ NEPA Modernization Round Table participants
- June – July 2006: Revise based on input
- August 2006: Prepare and issue Register Notice requesting public comments on the draft guidance
- September 2006: Receive comments
- October – November 2006: Finalize NEPA-EMS guidance
- December 2006: submit to CEQ

## **DESCRIPTION OF PROPOSED GUIDANCE:**

- I. Introduction
  - A. Purpose
  - B. Monitoring advantages
  
- II. Synthesizing CE, EA, Adaptive Management, Environmental Management System guidance
  - A. Current monitoring directives/initiatives
  - B. GIS mapping
  - C. Collaboration
  
- III. Suggested Approaches
  - A. Protocols
  - B. Data collection methodologies
  - C. Modeling
  - D. Triggers for action
  - E. NEPA interface
  
- IV. Future Steps
  - A. Establishing the GIS map
  - B. Demonstration projects

## **WORK GROUP MEMBERS:**

### Dedicated Member:

- Robert Hargrove, Director, NEPA Compliance Division, Office of Federal Activities, U.S. Environmental Protection Agency (EPA)

### Other Members:

- Suzanne Fitzpatrick, Science Advisor, Office of the Commissioner, Food and Drug Administration (FDA), U.S. Department of Health and Human Services (DHHS)
- Owen Lindauer, Program Development Specialist / Archeologist, Office of Project Development and Environmental Review HEPE, Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT)

# Programmatic Analyses

**Interagency work group to develop and recommend guidance on providing a description in programmatic NEPA documents of when and how issues raised at the programmatic level will be subsequently addressed.**

## **TIMELINES AND MILESTONES:**

- December 2005: Finalize initial draft guidance and request comments from federal agencies and CEQ NEPA Modernization Round Table participants
- January 2006: Revise based on input
- February 2006: Distribute for input from Roundtable participants and public
- April: 2006 Revise based on input
- May 2006: Present draft guidance to CEQ

## **DESCRIPTION OF GUIDANCE:**

- I. Intro Paragraph
  - A. Many agencies make effective use of programmatic analyses to meet their NEPA obligations.
  - B. The CEQ NEPA Task Force report identified concerns about how these programmatic analyses are prepared and used.
  
- II. Triggers
  - A. Agencies should ensure that processes, "thresholds", or "triggers" for further action are clear and obvious to the stakeholder or reader of the programmatic analyses
  - B. Decisions or analyses which are deferred to future documents should be articulated.
  - C. Explain how and when the stakeholder will be notified of any future actions or changes related to the programmatic analyses.
  - D. Enclosures of sample ideas successfully used to demonstrate how this can be implemented.
  
- III. Further Guidance

Additional guidance is being developed, and further information can be found at <http://ceq.eh.doe.gov/ntf>.
  
- IV. Attachment of Examples

## **WORK GROUP MEMBERS:**

Work Group Leader for Programmatic “Roadmap” Guidance:

- Michael (Mike) McNeill, Environmental Engineer; Headquarters, National Aeronautics and Space Administration (NASA)

Other Members:

- Eric Cohen, Environmental Protection Specialist, Office of NEPA Policy and Compliance (EH-42), U.S. Department of Energy (DOE)
- Pam Stephenson, Senior Environmental Protection Specialist, Office of Project Development and Environmental Review HEPE, Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT)

## **Programmatic Analyses**

**Interagency work group to develop and recommend guidance on the different uses of programmatic analyses, and the appropriate scope, range of issues, depth of analyses, and the level of description required for documenting programmatic analyses.**

### **TIMELINES AND MILESTONES:**

- December 2005: Complete research; frame content; and prepare preliminary draft
- January 2006: Finalize preliminary draft.
- February 2006: Complete draft guidance for Workgroup review and comment.
- March 06: Complete final draft guidance and request federal agency comment.
- April – May 2006: Revise based on federal agencies' input.
- May 06 - Publish final draft for review in Federal Register.
- June – August 2006 – Review comments received and revise final draft.
- September 2006: provide guidance to CEQ.

### **DESCRIPTION OF PROPOSED GUIDANCE:**

- I. Introduction
  
- II. Guidance on:
  - A. Uses
  - B. Scope/range of issues
  - C. Scope/depth of analysis
  - D. Documentation required
  - E. Periodic review/update
  
- III. Appendix: question and answer format.

### **WORK GROUP MEMBERS:**

Work Group Leader for Programmatic Guidance:

- John Hansel, NEPA Coordinator, National Marine Fisheries Service, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce (DOC)

Designated Members:

- Harold Draper, NEPA Team Leader, Tennessee Valley Authority (TVA)
- Peter Gaulke, National Environmental Policy Act Specialist, Ecosystem Management Coordination, U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA)
- Elaine Suriano, Environmental Scientist, NEPA Compliance Division, Office of Federal Activities, U.S. Environmental Protection Agency (EPA)

Other Members:

- Joe Carbone, National Environmental Policy Act Coordinator, Ecosystem Management Coordination, U.S. Forest Service (USFS), USDA
- Eric Cohen, Environmental Protection Specialist, Office of NEPA Policy and Compliance (EH-42), U.S. Department of Energy (DOE)

# Training

**Interagency work group to develop and recommend training for senior decisionmakers that describes how a well run NEPA process benefits management and emphasizes early involvement and collaboration.**

**Interagency work group to develop and recommend training for interested and affected parties (e.g. decisionmakers, tribes, NGOs, permit applicants, state and local governments and the public) on the principles of NEPA and NEPA requirements, agencies' missions, scoping, collaboration skills, dispute resolution, and effective public involvement.**

## **TIMELINES AND MILESTONES:**

- November 2005: Develop Work Program, Define general curriculum content, modules, make assignments, identify existing materials, arrange briefings by agencies
- December 2005: Collect agency NEPA procedures, special procedures and guidance for constituent groups, training courses and contacts
- March 2006: Draft modules in the form of power point and notes
- March – September 2006: Refine modules and develop overall constituent training products
- September-October 2006: Pilot and review training with constituents, develop delivery strategy with constituent groups
- November-December 2006: Revise and finalize materials based on pilot training results
- December 2006: Deliver training materials to CEQ along with strategy for dissemination

## **DESCRIPTION OF PROPOSED TRAINING MATERIALS:**

Flexible, modular NEPA training for senior federal decision makers and key constituents in both abbreviated and longer formats which would allow for expanded content, opportunities for hands on experiences, and adaptation to meet both a range of needs and time constraints. Associated resource materials will include both CD and web access to NEPA law, regulations, procedures, guidance, training and related resource materials. Separate training will be developed from the content modules for:

1. Senior Decision Makers
2. State and Local Governments
3. Tribal Organizations
4. NGOs
5. Permittees/Grantees

Training modules will include information on why NEPA is important--the benefits as well as challenges, NEPA law and CEQ umbrella regulations, Federal agency implementation, organization, roles and integration into decision making, the roles and



means of engaging state and local governments, tribes, permit and grant applicants, NGO and public participation, collaboration and conflict resolution, scope and substance of NEPA analyses, review of NEPA documents, follow up and monitoring of results, financial, technical and capacity building resources evaluation and feedback.

## **WORK GROUP MEMBERS:**

Work Group Leader for Training Recommendations:

- Cheryl Wasserman, Associate Director for Policy Analysis, Office of Federal Activities, U.S. Environmental Protection Agency (EPA)

Designated Members:

- Francis (Chip) Cameron, Special Counsel for Public Liaison / Dispute Resolution Specialist, Nuclear Regulatory Commission (NRC)
- Angela Gladwell, Environmental and Historic Preservation Team Administrator/Training Coordinator, Federal Emergency Management Agency (FEMA), Department of Homeland Security (DHS)
- John Hansel (Leader for Senior Decisionmaker Training), NEPA Coordinator, National Marine Fisheries Service, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce (DOC)
- Steve Kokkinakis, Environmental Protection Specialist, Policy and Planning Implementation / Strategic Planning (PPI/SP), National Oceanic and Atmospheric Administration (NOAA)
- Tina Norwood, Environmental Protection Specialist, Cultural and Resource Management Programs, National Aeronautics and Space Administration (NASA)
- Jeffrey Steinberg, Deputy Chief, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, Federal Communications Commission (FCC)
- Frank Stilwell, Senior Attorney, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, Federal Communications Commission (FCC)
- Charlene Vaughn, Assistant Director for Federal Program Development, Advisory Counsel on Historic Preservation (ACHP)

Other Members:

- Steve Aoyama, Environmental Engineer, Division of Sanitation Facilities Construction, Indian Health Service, Department of Health and Human Services (DHHS)
- Bonnie Gallahan, Education, Outreach and Tribal Liaison, U.S. Geological Survey (USGS)
- Lee Jessee, NEPA Specialist, Office of NEPA Policy and Compliance (Code EH-42), Department of Energy (DOE)
- Kathryn Lynn, Office of Collaborative Action and Dispute Resolution, U.S. Department of the Interior
- Chip Smith, Assistant for Environment, Tribal and Regulatory Affairs, Office of the Assistant Secretary of the Army (Civil Works)
- Rick Wadleigh, Tribal Liaison, Animal and Plant Health Inspection Service, U.S. Department of Agriculture
- Janice Whitney, Consultation Specialist, Indigenous Environmental Affairs, EPA

# Citizen Guide

**Develop handbook that describes how interested and affected parties (e.g. the public, tribes, NGOs, permit applicants, and state and local governments) can be involved in the NEPA process in order to inform and focus a timely process.**

## **TIMELINES AND MILESTONES:**

December 30, 2005: Prepare draft and present to CEQ for comment  
January 30, 2006: CEQ comments due  
February 13, 2006: Incorporate Comments and complete draft  
February 28, 2006: Engage Roundtable attendee  
March 14, 2006: Incorporate Comments and complete Final Document  
March 28, 2006: Complete final review  
March 31, 2006: Deliver print ready final guide to CEQ

## **DESCRIPTION OF PROPOSED GUIDE:**

- I. Purpose of the Guide
- II. What is NEPA/why is the NEPA process used/note its abilities and limitations
  - A. Section 101 policy
  - B. Section 102 agency decision making process.
  - C. Who does NEPA apply to?
  - D. Connection of NEPA to Decisions
  - E. Purpose that NEPA serves for Agencies, Developers, Citizens, etc.
  - F. Obligations of Agencies
- III. The Mechanics of the NEPA Process Demystified
  - A. Difference between EA and EIS (include chart)
  - B. EPA review process
- IV. When to get involved
  - A. Different agencies use different processes
  - B. Scoping:
  - C. Public Comment Periods
  - D. Methods for addressing the agency decision maker
- V. How to get involved
  - A. MOU participant, project planning teams, etc.
  - B. How to gain a level playing field
  - C. How to stay involved (adaptive management monitoring, etc.)
  - D. Several case studies

- VI. What if involvement isn't going well?
  - A. Tools
    - i. Informal Dispute Resolution with the project team
    - ii. Alternative Dispute Resolution: The US Institute for Environmental Conflict Resolution
    - iii. Contacting CEQ
    - iv. Contacting your Congressional delegation
    - v. Litigation
      - 1. Administrative Procedure Act
  - B. Findings of the National Environmental Conflict Resolution Advisory Committee

IX. References

**CEQ contract with The Clark Group, LLC**