

LESSONS LEARNED

September 2, 2008; Issue No. 56

Third Quarter FY 2008

NEPAssist: EPA's New Tool for NEPA Practitioners

Imagine a web-based tool that could “cut” through various sets of environmental data and layer the results meaningfully on a geographic basis.



For a given location, this tool could consolidate information on features specified by the user – for example, proximity to roads, contaminated sites, aquifers, wetlands, minority populations, and critical habitats of

endangered species. This is the essence of NEPAssist, developed for the Office of Federal Activities, Environmental Protection Agency (EPA), and now available for use by National Environmental Policy Act (NEPA) practitioners – including governmental agencies at all levels, parties supporting the preparation of NEPA documents, and – eventually – the public. EPA will introduce NEPAssist to the Department of Energy (DOE) NEPA Community at the September meeting (page 2).

NEPAssist, a web-based nationwide Geographic Information System application, draws environmental data dynamically from multiple sources within the 10 EPA Regions; other Federal agencies such as the Census Bureau; state and local governmental agencies; and private entities. For a project area, the user can

generate a real-time geospatial analysis report on environmental features in proximity to the project location and potential environmental impacts.

“NEPAssist is a powerful tool with great potential to help access, interpret, and present geospatial data relevant to environmental decisions,” said Horst Greczmiel, Associate Director for NEPA Oversight, Council on Environmental Quality, at the July meeting of Federal NEPA Contacts.

What Can You Do with NEPAssist?

- Specify a project location by address, county, airport code, watershed, or latitude and longitude
- Digitize a specific project area
- Turn on or off different layers of data: for example, geophysical, environmental, demographic, socioeconomic, and health information
- Analyze a location for the presence or absence of, or the distance to, specified environmental conditions: Is the site within 400 feet of a 100-year floodplain? Where is the closest school?
- Add in an aerial photo, topographical map, or satellite image
- Save a NEPAssist session for further development or email it to others for review

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Making NEPA Work for DOE – more on page 2

2008 Meeting of the DOE NEPA Community – Washington, DC

Sep 24 – a.m.
NEPA Compliance
Officers

Sep 24 – p.m.
NEPA
Training

Sep 25
DOE NEPA
Community

Inside **LESSONS LEARNED**

Welcome to the 56th quarterly report on lessons learned in the NEPA process. We are pleased to feature EPA's web-based tool for NEPA practitioners, as well as the new DOE NEPA Website. Thank you for your continuing support of the Lessons Learned program. As always, we welcome your suggestions for improvement.

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Carol Sorgetron
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 November 3, 2008. Contact Yarden Mansoor at yarden.mansoor@hq.doe.gov or 202-586-9326.

Quarterly Questionnaires Due November 3, 2008

Lessons Learned Questionnaires for NEPA documents completed during the fourth quarter of fiscal year 2008 (July 1 through September 30, 2008) should be submitted by November 3, but preferably as soon as possible after document completion. The Questionnaire is available on the DOE NEPA Website at www.gc.energy.gov/nepa under Lessons Learned Quarterly Reports. For Questionnaire issues, contact Vivian Bowie at vivian.bowie@hq.doe.gov or 202-586-1771.

LLQR Online

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

Printed on recycled paper



This icon indicates that LLQR online (www.gc.energy.gov/nepa under Lessons Learned Quarterly Reports) provides a link to a referenced web page whose URL is too long to be useful when printed.

Making NEPA Work for DOE: September Meeting


The 2008 Meeting of the DOE NEPA Community is now just days away. In addition to the NEPA Compliance Officers meeting in the morning of September 24 and training open to all in the afternoon, the agenda for the plenary session on September 25 has evolved:

- David Hill, DOE General Counsel, will explore the meeting's theme, *Making NEPA Work for DOE*, and Ted Boling, General Counsel, Council on Environmental Quality, will discuss current NEPA issues.
- Members of the Yucca Mountain Environmental Impact Statement (EIS) team – including the NEPA Document Manager, contractors, and the Bureau of Land Management project manager – will offer perspectives on *Taking Ownership* of the NEPA process.
- Robert Hargrove, Director of the NEPA Compliance Division, Office of Federal Activities, and

Environmental Protection Agency staff will introduce and demonstrate NEPAassist (page 1), a new geospatial web-based service.

- DOE General Counsel staff will discuss “hot topics” – including NEPA and applicant processes, and greenhouse gas emissions and global climate change in NEPA documents.

Training sessions will offer a choice from among *NEPA Fundamentals*, *Using the Greenbook to Avoid NEPA Pitfalls*, and *NEPA and Applicant Processes* in the first session and *Effective Leadership, EIS Distribution and Comment Response*, and the *DOE Supplement Analysis Process* in the second.

Registration by September 5 is requested. For more information and to register, contact Jim Sanderson at jim.sanderson@hq.doe.gov or 202-586-1402. 



Loan Guarantee Office Plans NEPA Compliance Reviews

DOE's Loan Guarantee Program Office is gearing up to conduct a number of NEPA reviews for proposed commercial-scale projects that would use new or significantly improved energy technologies as part of DOE's decisionmaking on whether to grant loan guarantees to project sponsors.


An initial solicitation for proposed projects was held in 2006 under guidelines then in effect ([LLQR, March 2008](#), page 11; [December 2007](#), page 25). Under regulations established in late 2007 (72 FR 60116; October 23, 2007), DOE announced three solicitations on June 30, 2008, for clean energy projects that employ innovative energy efficiency, renewable energy, and advanced transmission and distribution technologies (up to \$10 billion); advanced nuclear power facilities (up to \$18.5 billion); and advanced front end nuclear fuel cycle facilities (up to \$2 billion). DOE plans to issue another solicitation later this month for Federal loan guarantees for coal-based power generation and industrial gasification (up to \$6 billion) and advanced coal gasification (up to \$2 billion).

Some loan guarantee applications are expected to involve projects that are also candidates for financial assistance (e.g., grants, cooperative agreements) from the Office of Fossil Energy (through the National Energy Technology Laboratory) or the Office of Energy Efficiency and Renewable Energy (through the Golden Field Office). "Coordination among the affected DOE offices is needed to assure an adequate and efficient NEPA process,"

said Carol Borgstrom, Director, Office of NEPA Policy and Compliance. "Also, coordination with the Nuclear Regulatory Commission will be important for proposed nuclear power and nuclear fuel cycle projects," she said.

Applicant Environmental Information Required under 2008 Solicitations

The solicitations include a request for environmental information and describe DOE's strategy for NEPA review of private sector proposals. Applicants must provide enough information for DOE to determine the level of NEPA review required and to support preparation of the NEPA document, if an applicant were selected to begin negotiations with DOE on the terms of a potential loan guarantee. If the number of qualified applicants exceeds the appropriations authority, the applicant's environmental information would also assist DOE in preparing an environmental critique under 10 CFR 1021.216 of the DOE NEPA implementing regulations for use in selecting among the qualified applicants. Guidance on the NEPA process, including a list of environmental data to include in an application, is provided in the solicitations.

The solicitations are available at www.lgprogram.energy.gov. For further information about the NEPA process for DOE's loan guarantees, contact Matt McMillan, Director, NEPA Compliance Division, Loan Guarantee Program Office, at 202-586-8336 (related article, page 16). 

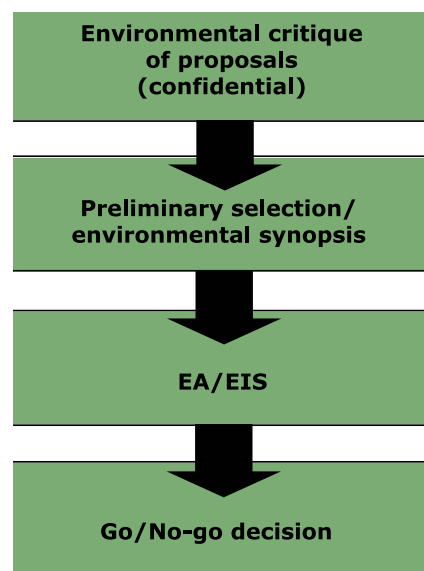
Environmental Process When Private Sector Proposals Compete – 10 CFR 1021.216

If the number of qualified private sector proposals exceeds the amount of DOE resources available, DOE would follow the process outlined in 10 CFR 1021.216 of the DOE NEPA regulations.

First, DOE would conduct a comparative environmental evaluation of qualified proposals and prepare an *Environmental Critique*, tailored to confidentiality requirements of the selection process.

Once preliminary selections among the qualified proposals are made, DOE would issue a publicly-available *Environmental Synopsis* to describe how environmental considerations were factored into deciding which proposals to consider further for DOE assistance.

Then, DOE would prepare an EA or EIS for each proposal under consideration before the final ("go/no-go") decision on each.



New DOE NEPA Website Launched

By: Denise C. Freeman, Office of NEPA Policy and Compliance

It's time to update your bookmarks and website links. The NEPA Office has recently launched a new version of the DOE NEPA Website at a new Internet address: www.gc.energy.gov/nepa.

The new website has been fundamentally redesigned to be more user friendly, using standardized DOE "energy.gov" templates.

Users will find they need fewer clicks or key strokes and less time to find and download information. Faster content accessibility has been enabled through a streamlined menu system, more intuitive navigation labels, improvements to the underlying HTML coding and supporting databases, and smaller ("optimized") file sizes. In addition, an improved site architecture and search tool should result in faster and more effective searches for information. Online tools, such as the Lessons Learned Questionnaire, should operate more reliably.

Please note that using the old website address will result in a redirect to the new site, so it is not necessary to modify existing documents or notices that cite the old address. However, links to specific documents on the old site will not work; users will need to locate the documents on the new site.

The DOE NEPA Website has served as the focal point for DOE NEPA practice since it was created in 1993. The new website contains all of the content from the former website, including:

- Information about current NEPA events
- A calendar of public participation opportunities
- A centralized archive of DOE NEPA documents
- NEPA and related requirements (including the NEPA statute, DOE and Council on Environmental Quality (CEQ) implementing regulations, the DOE NEPA Order, and Executive Orders)
- Comprehensive DOE and other guidance (including the DOE *NEPA Compliance Guide* and frequently used DOE and CEQ guidance on a range of topics)
- *Lessons Learned Quarterly Reports*
- DOE NEPA document status and schedules
- NEPA contracting information
- NEPA annual planning summaries
- DOE NEPA points of contact (new)
- Links to other NEPA websites



Electronic Document Archive

The NEPA document archive (under the DOE NEPA Documents tab) is the only centralized electronic collection of DOE NEPA documents and is among the most frequently used site features. The collection includes:

- Environmental assessments (EAs)
- Findings of no significant impact
- Draft and final EISs
- Notices of intent, notices of availability, and records of decision (RODs)
- Supplement analyses (SAs)
- Other NEPA-related documents (mitigation action plans, floodplain and wetland assessments, and floodplain statements of findings)

While most of these documents are publicly available online, DOE has limited the public's access to some of them. Most of the limited access documents are EAs and EISs issued in 2001 or earlier for which new security reviews for Internet publication have not been conducted. These documents are contained on a secure server accessible only by password. Passwords may be provided to DOE employees, contractors helping DOE prepare NEPA documents, and Federal, state, local, and tribal governmental officials. While members of the general public cannot obtain online access to documents on the secure server, upon request DOE will provide paper copies as available or electronic formats (e.g., compact disks).

Notwithstanding the inconvenience of limited access to some documents, DOE NEPA practitioners and

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All password account holders need to re-apply for a new password to access documents on the secure server of the new DOE NEPA Website. This is necessary to comply with current security requirements, and applies to those who received a new password on or before August 15, 2008.

members of the public have told us of the value of maintaining the electronic document archive. The documents are valuable to NEPA document preparers seeking past examples of approved documents, to members of the public to help them in formulating comments on new documents, as references in new NEPA documents (especially when few paper copies of the original document are available), and for general research purposes (such as studies of how particular environmental issues previously have been addressed).

New Web Posting Procedures

Maintaining the archive, however, is resource intensive, requiring cooperation from the DOE NEPA Community to ensure the accuracy and completeness of the collection. To that end, we have revised the procedures for submitting documents for publication. The procedures are posted online and summarized in the text box.

Regarding completeness, while the archive includes nearly all EAs and EISs issued since the mid-1990s, several SAs and a few EAs have not been posted. Recently, the SAs were needed as references in a new NEPA review, which could have been delayed had we not been able to find and post the documents. NEPA Compliance Officers are reminded of their obligation under DOE Order 451.1B to provide electronic files and paper copies of completed NEPA documents, including SAs, EAs, findings of no significant impact, draft and final EISs, RODs, and mitigation action plans.

The revised document posting procedures include technical recommendations to optimize file size before submitting for posting. This is important to enable reasonable download times and ensure the long-term integrity of the archive. For example, several EISs on

Highlights of New DOE NEPA Website Document Posting Procedures

- For EISs and other NEPA documents – please notify the DOE NEPA Website Manager, Denise Freeman, and submit three paper copies (for archives) and the electronic files (no password or write protection, please) of completed documents via overnight mail to:


Denise Freeman
Office of NEPA Policy and Compliance (GC-20)
1000 Independence Avenue, SW
Washington, DC 20585-0103
202-586-7879

- State the security review status of the document (whether the document may be made publicly available online).
- Provide key words.
- Optimize electronic files, especially images and other graphics.
- Use recommended file naming conventions.

The new procedures are available on the DOE NEPA Website under Guidance, then Selected Guidance Tools (look under Other Tools).

the previous website appeared to be missing sections. However, the sections had been placed in a new electronic appendix that did not exist in the original document, apparently because the sections contained extremely large graphic files. These files could have been reduced in size (optimized) before submission to be posted, so that the original document would appear the same online as it appears in paper. The concern is not limited to old documents. Some EISs recently submitted for posting contained extremely large graphics (e.g., high-resolution photographs and other images) that could have been optimized before submission for posting.

Feedback Welcome

We are planning additional website improvements and consider this a work in progress. We are always open to comments and suggestions. If you have any questions or feedback regarding the DOE NEPA Website, please contact Denise Freeman at denise.freeman@hq.doe.gov or 202-586-7879. 

Two USDA Agencies Revise NEPA Procedures

The Natural Resources Conservation Service (NRCS) and the Forest Service, both agencies within the U.S. Department of Agriculture, recently modified their NEPA procedures. NRCS introduced provisions for a programmatic EA and made its procedures on the timing of a finding of no significant impact (FONSI) consistent with Council on Environmental Quality (CEQ) requirements. The Forest Service addressed practices such as adaptive management and codified its procedures.

Natural Resources Conservation Service



NRCS may now prepare a “program” (i.e., programmatic) EA when a program EIS is not required and the proposed

program is not categorically excluded, or to aid in decisionmaking and NEPA compliance. The revisions also establish that the “Responsible Federal Official” will determine whether a tiered site-specific EA or EIS is required for an action included in a program EA or EIS. A revised NEPA compliance flowchart shows the role of a program EA and associated tiering in the Service’s planning process.

Publishing a notice of availability in the *Federal Register* for an EA and FONSI and allowing for a 30-day public review before implementing the action – a requirement that NRCS formerly applied to every EA and FONSI – now applies only to an EA and FONSI for an action for which NRCS would normally prepare an EIS or that has no precedent in the agency, language that mirrors 40 CFR 1501.4(e)(2) of the CEQ regulations. Under the revised rule, NRCS will provide for public involvement during the preparation of an EA and FONSI for actions that do not require a 30-day review of the EA and FONSI, including appropriate methods (such as local media) for publicizing their availability, allowing NRCS to implement actions within a shorter time frame while meeting the requirements and intent of NEPA.

NRCS issued the amendments to its NEPA regulations as an interim final rule (73 FR 35883; June 25, 2008) – effective on the date of publication, and received no comments during a 30-day public review period. NRCS NEPA regulations are found at 7 CFR Part 650.

Forest Service

The Forest Service announced that it has revised its NEPA procedures to better align them with current practice in decisionmaking, collaboration, and adaptive management, and to reflect CEQ guidance. In addition, the Forest Service moved its NEPA procedures from the *Forest Service Manual* and *Forest Service Handbook* to the *Code of Federal Regulations*, where they will be codified at 36 CFR Part 220. The final rule (73 FR 43084; July 24, 2008,) responds to comments on the proposed rule (72 FR 45998; August 16, 2007). It provides for an optional incremental process for EIS preparation, as described in [LLQR, June 2008](#), page 9, but does not provide for circulation of preliminary draft or final EISs as proposed. Forest Service NEPA guidance remains in the revised *Forest Service Handbook*, Section 1909.15 (www.fs.fed.us/cgi-bin/Directives/get_dirs/fsh?1909.15), to facilitate timely responses to new information, procedural interpretation, training needs, and editorial changes. [L](#)



NEPAssist (continued from page 1)

EPA is expanding NEPAssist capabilities through partnerships with Federal and state agencies to improve the tool and incorporate additional data. To further enhance functionality, EPA is incorporating a Microsoft “Virtual Earth” mapping interface that is scheduled to be deployed this fall.

Use of NEPAssist has many benefits. It is designed to raise important environmental issues at the earliest stages of project development, focus in-depth reviews on projects likely to have significant environmental impacts, help direct project siting to areas that are the least environmentally sensitive, and facilitate collaboration among agencies during the review of NEPA documents.

For DOE NEPA practitioners, NEPAssist could prove most useful in screening candidate sites for proposed actions – such as technology demonstration projects and applicant projects – that would not be located on DOE lands (for which DOE already has extensive environmental information).

The NEPAssist website is <https://iasint.rtpnc.epa.gov/NEPA>. The user-friendly site is accessible without a license and does not require any special desktop configuration, but a password is needed. For further information or to apply for a password, contact Aimee Hessert, EPA Office of Federal Activities, at hessert.aimee@epa.gov or 202-564-0993. [L](#)

Administration Seeks Agency Collaboration on “NEST” Environmental Indicators Program

Three agencies within the Executive Office of the President recently announced a program to develop “high-quality, science-based statistical measures of selected conditions of our environment and natural resources” – information that could be useful in NEPA assessments of environmental impacts. The National Environmental Status and Trends (NEST) Indicators project, launched by the Council on Environmental Quality (CEQ), the Office of Management and Budget, and the Office of Science and Technology Policy, is designed to support high-level policy making and broad program evaluation inside and outside the Federal government.

NEST indicators are envisioned to be the environmental counterpart to the principal Federal economic indicators that are issued regularly and compiled using measurement methods and statistical designs that are consistent across the country and repeated regularly over time. The announcement was accompanied by a policy memorandum to heads of Federal agencies requesting their support for the program, which the Administration expects could be conducted within existing budgets. The policy memorandum outlines a collaborative pilot project to demonstrate the selection and development of NEST indicators of water availability, to include both water quantity and quality.

Management Team to Test Pilot

An interagency Federal Executive Management Team has been formed, with members drawn from the Departments of Agriculture (Forest Service and Natural Resources Conservation Service), Commerce (National Oceanic and Atmospheric Administration), and Interior (Office of the Secretary and U.S. Geological Survey) and the Environmental Protection Agency. The team will develop four major products during the pilot test:

- A clearly defined and well-documented set of attributes for NEST indicators, suitable for evaluating indicator fitness across multiple environmental sectors, not just water availability,
- A set of key policy-related questions that guide indicator creation/selection and that are developed through dialogue with policy makers and the environmental indicator user community,
- An initial set of five to seven NEST indicators for water availability that address key policy-related questions of ongoing, enduring, national and regional interest, and


- An “after action review/lessons learned analysis” that evaluates how well existing institutional arrangements among agencies and partners worked in developing the water availability indicators.

As part of testing the ability to report on five to seven indicators of water availability, the Executive Management Team will identify improvements in data consistency, compatibility, and accessibility needed to serve policy making needs across multiple environmental sectors.

“Most NEST indicators will be produced from data collected by ongoing Federal and State programs. This action plan will improve the quality and uniformity of those data to provide nationally consistent, and more widely accessible, indicators.”

***–James Connaughton, Chairman
Council on Environmental Quality
June 17, 2008***

To promote dialogue within the environmental indicators community, the Executive Management Team will convene a national forum to help identify relevant questions for which statistically rigorous, nationally comparable indicators would inform analyses, evaluations, and policy making. The forum will involve state and local governments, other Federal agencies, universities and research organizations, businesses, and nongovernmental organizations to ensure the relevance, usefulness, and fairness of the indicators to be produced. The Committee on Environment and Natural Resources of the National Science and Technology Council will help identify key observations required to provide the consistent statistical basis for the NEST Indicators pilot project, and develop protocols for agency use in data collection, archiving, and delivery.

The Executive Management Team is led by Richard Guldin, Director of Quantitative Services, Office of Research & Development, U.S. Forest Service, available at rguldin@fs.fed.us or 703-605-4177. Program updates and pilot project results will be issued via a publicly accessible website to be established. Future phases, to be determined, may address environmental indicators for cropland, forests, rangeland, and air quality. 

Making Your Voice Heard – Public Scoping Meetings Held for Santa Susana Field Laboratory Area IV EIS

Situated near the densely populated San Fernando Valley is the Santa Susana Field Laboratory (SSFL). This multi-purpose facility in the hills between Chatsworth and Simi Valley, California, was developed as a remote site to test rocket engines and conduct nuclear research. Area IV was established at SSFL in 1953 by the Atomic Energy Commission (predecessor agency to DOE) and occupies 290 acres of the 2,850-acre Laboratory. As a legacy of the DOE operations at Area IV, both radiological and hazardous contamination on the site require remediation.

DOE is preparing an EIS for Area IV in response to a May 2, 2007, decision by the U.S. District Court of Northern California. The court determined that DOE was in violation of NEPA for its 2003 decision to issue a finding of no significant impact (FONSI), and to conduct remediation of the Energy Technology Engineering Center site (which encompasses 90 acres of Area IV), on the basis of an EA rather than an EIS. The court found that an EIS is required “on the basis of the uncertainty and unknown risks caused by the inadequacy of the data and analyses on which the EA is based.”

DOE issued a Notice of Intent (NOI) to prepare an EIS and conduct public scoping meetings on May 16, 2008 (73 FR 28437). Previously, DOE had issued an Advance Notice of Intent (ANOI) on October 17, 2007 (72 FR 58834), in order to inform the public and request early comments and assistance. Informal discussions with both members of the public and other stakeholders resulting from publication of the ANOI aided in the development of the NOI.



Thomas Johnson, Federal Project Director, and Stephie Jennings, NEPA Document Manager, at Area IV of the Santa Susana Field Laboratory

AREA IV NEPA CHRONOLOGY

- March 2003, *Environmental Assessment for Cleanup and Closure of the Energy Technology Engineering Center* (DOE/EA-1345) and FONSI
- May 2007, decision by the U.S. District Court for the Northern District of California requires DOE to prepare an EIS for the remediation of Area IV of SSFL (*Natural Resources Defense Council et al. v. DOE et al.*)
- October 2007, Advance Notice of Intent
- May 2008, Notice of Intent to Prepare an EIS and Conduct Public Scoping Meetings
- July 2008, Public Scoping Meetings

Early Public Involvement

After publication of the ANOI, DOE began a series of interviews with local stakeholders to obtain early input on the scope of the EIS and remediation activities at Area IV. The interview process was designed to obtain community perspectives on the cleanup and to learn how stakeholders would like to be involved during the development of the EIS. Approximately 60 persons were interviewed, including neighbors, current and former Area IV employees, elected officials, representatives of various state and Federal agencies, the local business community, and persons with environmental or health concerns. The results of the interview were published in a report available on the web (reference below).

Extensive comments and concerns were expressed by stakeholders and regulators about the previous sampling and characterization activities. In response, DOE directed a contractor team to identify and independently review and analyze existing radiological and chemical data to determine what additional data are required for EIS analyses. The data gap study began by considering stakeholder comments on the EA and focused on chemical and radiological contamination, ecological risk concerns, groundwater, and materials from building demolition.

The *Draft Data Gap Analysis Report*, issued in June and available on the web, will guide decisions for additional data collection. The Draft Report recommends additional sampling activities in all media in order to more fully define the nature and extent of contamination in Area IV and to perform the human health and ecological

(continued on next page)

Making Your Voice Heard (continued from previous page)

risk assessment. The results of the sampling effort and the risk assessments will also help evaluate a full range of cleanup alternatives for the EIS. The Report will be finalized after input from regulators and stakeholders is incorporated.

The Draft Report responds to the community's concerns to better understand the type and extent of radiological contamination that remains at Area IV. DOE held two public meetings in June to present the results and recommendations of the Draft Report to the public for comment.

A separate analysis of other data needed to analyze the proposed alternatives of the EIS is also underway. This separate analysis will evaluate data available for other resource areas such as cultural resources, socioeconomics, and transportation to determine what additional data would be needed to complete a thorough analysis for the EIS.

“Open House” Before Formal Meeting Proves Successful – Again

Public scoping meetings were held July 22–24 in Simi Valley, Northridge, and Sacramento, California.

The SSFL Area IV staff began the scoping meetings using the Open House format that DOE has used effectively ([LLQR, June 2004](#), page 1; [June 2008](#), page 3) before beginning the more formal scoping meeting.

“We wanted to be responsive to the recommendations from the early interviews,” said Stephanie Jennings, NEPA Document Manager. “Also, the Open House format before the more formal, facilitated scoping meeting gave us the opportunity to use handouts and graphics to explain the rather complex NEPA process for Area IV.” DOE provided a handout entitled, “Making your Voice Heard: Details on Public Scoping Comments.” This handout provided helpful hints on making comments count (text box).

The public scoping period ended August 14. More than 80 individuals attended one of the six scoping meetings, and some stakeholders attended more than one. The comments included concerns and suggestions, including that the Environmental Protection Agency (EPA) conduct a radiological characterization study, all of SSFL be included in the cleanup, protection of endangered species be preserved, cultural resources be evaluated and protected, and an alternative that considers an agricultural scenario as a future use be considered and evaluated. Although not required as part of the DOE NEPA process, the

Making Comments Count¹


- Offer ideas for issues to be considered and alternatives to be evaluated during scoping.
- Sign up for relevant agency mailing lists.
- Make a checklist of the issues you want addressed, give examples, tell what you support and what you don't support.
- Review the draft document, make a checklist of issues not addressed, inconsistencies, omissions, and relevance to issues you consider important – then make your comments.
- Write your comments or make notes if you are presenting them orally.
- Finally, understand comment deadlines and processes.

¹Adapted from A Citizen's Guide to the NEPA: Having Your Voice Heard, Council on Environmental Quality, December 2007.

Area IV EIS team will prepare a comment response document after review of all scoping comments. This document will not only respond to the comments, but will also describe how the comments will be considered in the EIS process.

Next Steps

EPA will develop a scope of work, schedule, and cost estimate for a radiological survey of Area IV and areas adjacent to Area IV, based on DOE's Office of Environmental Management July 24 agreement to provide funds to EPA Region 9 to determine site-specific background values at SSFL. “The Record of Decision for the EIS was scheduled to be completed in fall 2010. Now, some of the analysis portions of the EIS will be rescheduled in order to use radiological data obtained by EPA,” said Thomas Johnson, Federal Project Director, for SSFL Area IV.

For additional information on the Area IV EIS, see previous [LLQR](#) articles ([September 2007](#), page 3; [June 2007](#), page 20), contact Stephanie Jennings at stephanie.jennings@emcbc.doe.gov, or go to the Area IV EIS link at www.etc.energy.gov. 

DOE Conducts Public Scoping for a Transmission Line EA

The Office of Electricity Delivery and Energy Reliability issued a notice of intent to prepare an EA and conduct public scoping meetings for a proposal to grant a Presidential permit to Baja Wind U.S. Transmission, LLC, for an international electric transmission line. The proposed transmission line would originate at a wind generation facility to be located near La Rumerosa, in northern Baja California, Mexico; cross the U.S.-Mexico international border near the community of Jacumba in San Diego County; and extend 1 mile into California, to terminate at a substation to be constructed. If granted, the Presidential permit would authorize only the interconnection and the 1-mile portion of the applicant's proposed transmission line that would be constructed and operated wholly within the United States, but would not require that the line be built.

The *Baja Wind U.S. Transmission Environmental Assessment* (DOE/EA-1608) will assess potential environmental impacts from the proposed action and the range of reasonable alternatives in the United States, and help DOE determine whether to prepare an EIS. As noted in the notice of intent (73 FR 45218; August 4, 2008), DOE believes an EA is appropriate, based on the short length of the proposed transmission line and small anticipated environmental impacts in the United States. If DOE determines that an EIS is needed, DOE will issue a notice of intent to prepare an EIS, but would not conduct additional scoping meetings.

DOE invited interested parties to comment on potentially significant environmental issues, such as visual impacts, impacts that would accrue to the United States as a result of related activities occurring inside Mexico, and impacts on protected, threatened, endangered, or sensitive species of animals or plants or their critical habitats – in particular, the quino checkerspot butterfly and migratory birds.

The public scoping period that started with the publication of the notice of intent runs through September 3, 2008. DOE conducted a public scoping meeting on August 26 in Jacumba, which was well attended.


CEQ Guidance on Use of Scoping

The Council on Environmental Quality addresses scoping for an EA process in *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations* (46 FR 18026, March 23, 1981; as amended, 51 FR 15618, April 25, 1986), on the DOE NEPA Website at www.gc.energy.gov/nepa, under Guidance.

Question 13 asks: Can the scoping process be used in connection with preparation of an environmental assessment, i.e., before both the decision to proceed with an EIS and publication of a notice of intent?

The response provided is Yes: Scoping can be a useful tool for discovering alternatives to a proposal, or significant impacts that may have been overlooked. In cases where an environmental assessment is being prepared to help an agency decide whether to prepare an EIS, useful information might result from early participation by other agencies and the public in a scoping process....Scoping that is done before [an EA], and in aid of its preparation, cannot substitute for the normal scoping process after publication of the NOI [notice of intent to prepare an EIS], unless the earlier public notice stated clearly that this possibility was under consideration, and the NOI expressly provides that written comments on the scope of alternatives and impacts will still be considered.

See *LLQR*, December 2007, page 13, for discussion of cases where DOE prepared an EIS after beginning an EA.

For additional information, contact Ellen Russell, NEPA Document Manager, Office of Electricity Delivery and Energy Reliability, at ellen.russell@hq.doe.gov or 202-586-9624. 

EPA Commented Favorably on Yucca Mountain Final EISs

In July 2008, the Department of Energy issued three final EISs regarding the proposed Yucca Mountain repository in Nye County, Nevada: the Repository Supplemental EIS (SEIS) (DOE/EIS-0250F-S1), the Nevada Rail Corridor SEIS (DOE/EIS-0250F-S2), and the Rail Alignment EIS (DOE/EIS-0369). (The latter two EISs were combined in a single document.) DOE received favorable comments on the three final EISs in two letters from the Environmental Protection Agency (EPA), dated August 11, 2008.

The Department's extraordinary efforts resulting in the completion of these documents have been highlighted in previous *Lessons Learned Quarterly Reports*, including discussions of the efficient comment-response process used, expertise provided by cooperating agencies, and coordination with DOE program offices preparing other EISs, including the Global Nuclear Energy Partnership Programmatic EIS and the Greater-Than-Class-C EIS (*LLQR*, March 2008, page 5; December 2007, page 8).

EISs Differ in Scope, Detail

The Repository SEIS analyzed the potential environmental impacts of the construction, operation, and eventual closure of a repository at Yucca Mountain. The Repository SEIS also evaluated the potential impacts from national transportation, as well as the potential impacts in Nevada from the construction and operation of a railroad along specific alignments in the Caliente and Mina rail corridors. DOE concluded in the Repository SEIS that the potential impacts associated with the repository design and operational plans are similar in scale to the impacts in the *Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Waste at Yucca Mountain, Nye County, Nevada* (DOE/EIS-0250F), issued in 2002.

The Nevada Rail Corridor SEIS analyzed the potential impacts of constructing and operating a railroad for shipments of spent nuclear fuel, high-level radioactive waste, and other materials (i.e., those related to construction and operation of a repository) in the Mina corridor. DOE concluded in this SEIS that the Mina corridor warranted further analysis at the alignment level.

The more detailed analysis at the alignment level was presented in the Rail Alignment EIS, which analyzed the potential environmental impacts of constructing and operating a railroad along rail alignments in both the Caliente and Mina rail corridors. The Rail Alignment EIS also analyzed the potential environmental impacts from shipments of general freight (also referred to as common carriage shipments or the Shared-Use Option) on a railroad in either corridor.

EPA Supports Conclusions, Recommends Wetland Mitigation


In its comments on the Repository SEIS, EPA stated, "The final SEIS has addressed EPA's concerns about the language regarding EPA's radiation protection standards and the explanation of DOE's determination of the appropriate strain rates to be incorporated into the conceptual seismic model. Based on our review of the final SEIS, we do not object to the implementation of this action."

On the Final Nevada Rail Corridor SEIS, EPA stated, "...EPA supports DOE's conclusion to evaluate potential alignments in the Caliente and Mina Rail Corridors... [W]e reiterate that EPA does not have any concerns about this project...EPA agrees with the conclusions of the Nevada Rail Corridor final SEIS and does not object to the implementation of this action."

On the Final Rail Alignment EIS, EPA's comments focused on wetlands: "EPA appreciates the efforts DOE has made to address our comments...[B]ased on the additional information and analyses provided in the final EIS (Appendix F), it appears that the preferred Caliente alignment...represents the least environmentally damaging practicable alternative..." However, EPA recommended that DOE implement one of three specific compensatory wetland mitigation options and stated: "It is our understanding...that DOE will provide a more detailed compensatory mitigation plan in the Record of Decision (ROD)."

Next Steps

The Office of Civilian Radioactive Waste Management currently anticipates issuing the ROD for the Nevada Rail Alignment EIS this fall following the receipt of the final Biological Opinion to be issued by the U.S. Fish and Wildlife Service. A Departmental decision to construct and operate a railroad will be subject to receipt of a right-of-way from the Bureau of Land Management (BLM), and, if DOE decides to select the Shared-Use Option, a Certificate of Public Convenience and Necessity from the Surface Transportation Board (STB). (BLM and STB were cooperating agencies for the Rail Alignment EIS.)

For further information regarding the Yucca Mountain Final EISs, contact Dr. Jane Summerson, NEPA Document Manager and NEPA Compliance Officer, at jane_summerson@ymp.gov or 702-794-1493. 

2008 Stakeholders Directory Issued

The newest *Directory of Potential Stakeholders for DOE Actions under NEPA* (25th Edition, July 2008) has been issued. The Directory, updated annually, is meant to supplement lists that DOE Offices compile of potentially affected or interested parties for particular projects or facilities, and complements DOE's June 2006 *EIS Distribution* guidance.


The 2008 *Directory* identifies almost 400 potential NEPA document reviewers in Federal agencies, states, and national and regional nongovernmental organizations. For the convenience of NEPA Document Managers, the *Directory* includes appendices that list DOE contacts who may be involved in certain aspects of NEPA document coordination and distribution: NEPA Compliance Officers, Departmental and National Laboratory public affairs directors, and points of contact for tribal issues. Appendix D, a new feature of the 2008 *Directory*, lists public reading rooms where DOE Program and Field Offices typically make NEPA documents available for review.

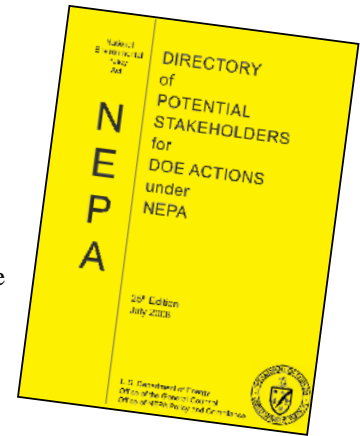
Most Stakeholders Say "No Thanks" to Paper Copies

As in the past, preparation of the 2008 *Directory* included asking stakeholder contacts for the number of paper copies or compact disks they would like to receive. Continuing a trend of recent years, an increasing number of stakeholders

expressed preference for compact disks over paper, and some of those would prefer notification of web posting of a NEPA document, if available at the time of document distribution. Of the contacts who expressed a preference for one mode over another, 20 percent prefer to receive a paper copy, 68 percent prefer to receive a compact disk, and 12 percent requested only to be notified of the web address where the document is posted.

With advance planning (and use of the *Directory*), a NEPA Document Manager can achieve cost savings while meeting stakeholder preferences. Because the Council on Environmental Quality NEPA Regulations specify that EISs are to be filed with the Environmental Protection Agency "no earlier than they are also transmitted to commenting agencies and made available to the public" (40 CFR 1506.9), web-posting should be accomplished before filing the EIS.

The *Directory* has been distributed to the DOE NEPA Community and posted on the DOE NEPA Website. For more information or to suggest additional organizations for inclusion in the 2009 edition, contact Yardena Mansoor at yardena.mansoor@hq.doe.gov or 202-586-9326. 




Abstracts and Award Nominations Due September 30 for NAEP 2009 Conference, *Making Sustainability Happen*



The National Association of Environmental Professionals (NAEP) announces that its 2009 Conference, to be held May 3–6 in Scottsdale, Arizona, will explore the theme of *Making Sustainability Happen: Goals, Practices, and Challenges*. The

conference will include many sessions on NEPA, as well as diverse related topics such as environmental management systems and global climate issues. Program Chair Darcey Rosenblatt (drosenblatt@esassoc.com or 415-896-5900) invites abstracts for a presentation, panel, or poster session. NAEP membership is not required. At the conference, NAEP will present its National Environmental Excellence Awards to recognize

outstanding achievements in eight categories, including NEPA Excellence, Public Involvement/Partnership, Environmental Management, and Environmental Stewardship. Nominations may include self-nominations; the nominator need not be a member of NAEP.

Information on conference registration and how to submit abstracts and award nominations will be provided soon on the website of the Arizona Chapter of the NAEP, www.azaep.org. Contact Ms. Rosenblatt for immediate information. Discounted registration is offered for government workers; cancellation fees will be charged after March 1. Award nominations and abstracts are due September 30, 2008. 

NHTSA's Draft EIS on CAFE Standards Focuses on Climate Change




The National Highway Traffic Safety Administration's (NHTSA) recent draft EIS on proposed new corporate average fuel economy (CAFE) standards for passenger cars and light trucks includes a substantial discussion of greenhouse gas emissions in response to a 2007 court order ([LLQR, June 2008](#), page 12; [December 2007](#), page 24).

The Draft EIS describes potential environmental impacts to a variety of resources and concludes that the impact areas warranting the most detailed analysis are energy resources, air quality, and climate – as well as resources that may be impacted by global climate change. Whereas the 2007 court decision found that NHTSA's EA failed to adequately evaluate cumulative impacts of greenhouse gas emissions, a substantial portion of the Draft EIS addresses potential climate change impacts from seven alternatives. DOE NEPA practitioners may be interested in NHTSA's approach to analyzing this topic. Features of the analysis include:

- Extensive use of findings of the United Nations' Intergovernmental Panel on Climate Change and the U.S. Climate Change Science Program. The Draft EIS also uses information from DOE's Energy Information Administration.
- Explicit analysis of direct, indirect, and cumulative impacts on global climate change.

- Estimates of potential changes to global carbon dioxide (CO₂) concentrations, global mean surface temperature, global mean rainfall, and sea level rise.
- Discussion of uncertainty and incomplete and unavailable information per 40 CFR 1502.22. For example, the Draft EIS states, "...the magnitudes of the changes in these climate effects that the alternatives produce – a few parts per million (ppm) of CO₂, a hundredth of a degree C [centigrade] difference in temperature, a small percentage-wise change in the rate of precipitation increase, and a 1 or 2 millimeter...sea level change – are too small to meaningfully address quantitatively in terms of their impacts on resources. Given the enormous resource values at stake, these distinctions may be important – very small percentages of huge numbers can still yield substantial results – but they are too small for current quantitative techniques to resolve...."
- Projected specific impacts of climate change globally and in the United States.
- Analysis of potential environmental justice impacts.

Issued in June 2008, the public comment period on the Draft EIS ended on August 18, 2008. The Draft EIS and the associated Notice of Proposed Rulemaking are available at www.nhtsa.dot.gov.



REGISTER NOW!

Contact Jim Sanderson at
jim.sanderson@hq.doe.gov
or 202-586-1402

2008 Meeting of the DOE NEPA Community – Washington, DC

Sep 24 – a.m. NEPA Compliance Officers	Sep 24 – p.m. NEPA Training	Sep 25 DOE NEPA Community
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Collaboration and NEPA: Benefit or Burden?

By: Kathy Binder, Director, Office of Conflict Prevention and Resolution

In May, I was fortunate to attend a conference in Tucson, Arizona, sponsored by the U.S. Institute for Environmental Conflict Resolution (ECR), which highlighted the many synergies between the goals of the NEPA process and those of my office. The conference featured three days of training workshops, panel sessions, interactive roundtable discussions, and opportunities to attend agency-specific side meetings. The sessions were organized along three tracks:

- Technology, Tools and Innovations in ECR
- Evaluating ECR: What's in It for Me?
- Matching the Process to the Problem: Navigating Process Choices

Because of my close working relationship with the Office of NEPA Policy and Compliance, a sister office in the Office of the General Counsel, I was particularly interested in the sessions related to NEPA. One session that I attended, *Collaboration and NEPA*, had as its learning objectives:

- Develop basic skills for assessing whether, with whom, when, and how to collaborate with others on NEPA.
- Develop basic skills for designing collaboration.
- Become familiar with the Council on Environmental Quality's (CEQ's) new *Collaboration in NEPA: A Handbook for NEPA Practitioners* (October 2007) ([LLQR, December 2007](#), page 14).

Go Beyond Minimum Requirements

Horst Greczmiel, CEQ Associate Director for NEPA Oversight, and Cherie P. Shanteau and Michael Eng, U.S. Institute, led discussions that began with a review of Section 101 of NEPA and its emphasis on the Federal government's commitment to the environment. They then turned to Section 102, which contains the procedural aspects that often receive the focus of both the Federal agencies and the courts. Section 102 and the CEQ NEPA implementing regulations provide the minimum requirements for engaging the public, but the facilitators encouraged agencies to go beyond the minimum if they thought it might be helpful. Identifying stakeholders is often a difficult first step, but critical to the collaboration process. Agencies could initially identify the entities that would be willing to collaborate, if a relationship of trust exists with their stakeholders, or agencies could use an outside neutral party to identify entities for collaboration.

In addition to considering the benefits of collaboration, such as better and more sustainable outcomes, the session also

considered situations in which collaboration might be a burden to the agency; for example, in cases where decisions have already been made or where the relevant stakeholder groups lack organization. In identifying opportunities for collaboration, agencies should also consider:

- With whom does the agency need to engage? Is the establishment of a Federal Advisory Committee necessary to ensure transparency of the process?
- To what extent is the agency willing to share influence?
- When in the NEPA process does the agency want to engage the affected stakeholders? Where and when is the best way for the agency to get information from the right people?

Rethink Comment Response Process

Another session considered the comment process under NEPA. Entitled *NEPA Comment Analysis: Formalized War or Opportunity for Interest-based Dialogue?*, the session facilitator was Carie Fox, of Fox Mediation, with panelists from The Wilderness Society, ICF International, University of Colorado, Society of American Foresters, and Bureau of Land Management.

These presenters proposed the rethinking of NEPA comment analysis. The sheer number of comments, the disconnect between what the agency will respond to and what the public seeks to express, and the emphasis on litigation outcomes have created a system that is costly and often polarizing. The presenters suggested that basic negotiation principles, such as interest-based dialogue, might be able to inform some aspects of NEPA comment analysis. In examining the comment process as a whole, agencies should consider:

- The need for a complete characterization of the NEPA comment analysis process: is it based on anecdotal experience?
- The achievements of the comment process: an airing of the arguments of each side, or an opportunity for interest-based dialogue?
- The importance of comment process timing: are comments addressed too late in the process?
- The identification of commentor motivation: are formula comments always without substance?
- The neutrality of the comment responses process: does the response address only "legitimate NEPA" issues or all needs, and how will stakeholder expectations be addressed?

(continued on next page)

Collaboration and NEPA (continued from previous page)

U.S. Institute for Conflict Resolution

The U.S. Institute for Environmental Conflict Resolution, a program of the Morris K. Udall Foundation, was established by the U.S. Congress to assist parties in resolving environmental, natural resource, and public lands conflicts. The U.S. Institute serves as an impartial, non-partisan agency providing professional expertise, services, and resources to all parties involved in such disputes regardless of who initiates or pays for assistance. With nearly 300 qualified facilitators and mediators, the U.S. Institute helps parties determine whether collaborative problem solving is appropriate for specific environmental conflicts, how and when to bring all the parties to the table, and whether a third-party facilitator or mediator might be helpful in assisting the parties in their efforts to reach consensus or to resolve the conflict.

See www.ecr.gov for more information about the U.S. Institute.


The need to filter the universe of comments for only “unique” and “substantive” comments means that in practice fewer than 10 percent of comments may receive a considered agency response, according to Ms. Fox. In addition to potentially costing hundreds of thousands of dollars just to sift through the comments, interested parties are often left dissatisfied. One way to approach this problem is to try to increase the proportion of unique substantive

comments through processes that engage the public, and to respond to those that meet the substantive standard. Another approach is to try to decrease the number of non-substantive comments, perhaps by creating more realistic expectations about how comments will be used. Alternatively, agencies can choose to consider comments beyond what NEPA guidance requires.

Benefits of Comment Response System

Despite its drawbacks, Ms. Fox noted that it is also useful to consider the benefits of the current system:

- When an agency publishes a draft EIS, it has to provide a robust level of information. In order to have an effective comment, the commentor must also provide information that supports his or her point of view. This gives the agency an opportunity to try to bolster its arguments based on what was revealed, and participants in the process can review the information in making their choice of whether to go to court. This process may clarify alternatives to negotiated settlement and prompt negotiation.
- Many people use the comment process as an opportunity to “vote” for or against a project, despite public guidance to the contrary. They know that those comments also make their way to legislators and other policy makers who respond to policy preferences. This may in fact be the real audience for many comments.

For further information, contact Kathy Binder at kathleen.binder@hq.doe.gov or 202-586-6972. 


Public Participation Can Improve Decisionmaking

Public involvement usually leads to better environmental decisionmaking, according to a report issued in August by the National Research Council of the National Academies. “When done well, public participation improves the quality and legitimacy of a decision and builds the capacity of all involved to engage in the policy process. It can lead to better results in terms of environmental quality and other social objectives. It also can enhance trust and understanding among parties,” the report states.

The report acknowledges that not everyone agrees that public participation is beneficial. Proponents of public participation argue that those who must live with the outcome of an environmental decision should have some influence over it. Moreover, when done correctly, public involvement increases the likelihood that the decisions will be implemented effectively. Detractors criticize the process as “ineffective and inefficient.” The research panel found that “participatory processes have sometimes made matters

worse.” When participation is “a superficial formality or without adequate support by decision makers,” it increases public distrust of government.

To assure success, the report details principles and practices that agencies can use to involve the public. Among other things, the report recommends that when government agencies engage in public participation, they should do so with “clarity of purpose, commitment to use the process to inform their actions, adequate funding and staff for the duration of the process, appropriate timing in relation to decisions, a focus on how conclusions or policies can be implemented, and a commitment to self-assessment and learning from the experience.”

The report was sponsored, in part, by the Department of Energy. Copies of “Public Participation in Environmental Assessment and Decision Making” are available at www.nap.edu. 

Transitions

Two Old Friends Become New NCOs

Larry Stirling and Matt McMillen are “old friends” of the DOE Office of NEPA Policy and Compliance, as both have provided technical assistance to the office in the past, and “old friends” to each other due to their common interest in environmental management systems (EMS).

Health, Safety and Security: Larry Stirling



John (Larry) Stirling has been designated the first NEPA Compliance Officer (NCO) for the Office of Health, Safety and Security, where he now serves as special assistant to Andy Lawrence, Director, Office of Nuclear Safety, Quality Assurance and Environment. Mr. Stirling has been with the Department for more than 20 years. Mr. Stirling was the co-author of DOE Order 5400.1, *General Environmental Protection Program*, in 1988. He was instrumental in establishing DOE’s EMS framework as the principal author of DOE Order 450.1, *Environmental Protection Program*, issued in 2003 (*LLQR*, March 2003, page 1). Mr. Stirling also served as the first co-chair of the Federal Interagency EMS Work Group with the Environmental Protection Agency (EPA) and was DOE’s representative on the American National Standards Institute-Registrar Accreditation Board for EMS. Before joining DOE, he worked as an environmental specialist at EPA and with several state and local governments. He can be reached at john.stirling@hq.doe.gov or 202-586-2417.

Loan Guarantee Program: Matt McMillen



Matthew (Matt) McMillen, who joins DOE on September 2, is the new NCO for the Loan Guarantee Program Office, within the Office of the Chief Financial Officer. He brings a wide range and depth of NEPA experience to the office, which is now developing strategies for efficient and timely environmental review of applicant proposals. Since 2001, Mr. McMillen was the senior NEPA staff of the Federal Aviation Administration (FAA), Office of Environment and Energy, where he was responsible for developing NEPA policies, procedures, and guidance for FAA. He was a leader of the Council on Environmental Quality (CEQ) NEPA Task Force and the Interagency Work Group on Environmental Management Systems (*LLQR*, June 2007, page 17) and a principal author of CEQ’s guidance on cumulative effects. As a consultant before working at FAA, Mr. McMillen prepared and reviewed EISs and EAs and supported the Office of NEPA Policy and Compliance, among other DOE offices. He can be reached at 202-586-8336. *Dan Tobin, formerly Acting NCO, continues to serve the Program as a Senior Investment Officer.*

DOE-wide NEPA Contracts Update


All six of the DOE-wide NEPA contracts now in place will expire on September 30, 2008. Tasks issued before the expiration dates need not be completed before the expiration dates. Information on the contracts and how to issue task orders under them is available on the DOE NEPA Website at www.gc.energy.gov/nepa under NEPA Contracting or by contacting David Nienow, Contract Administrator, NNSA Service Center, at dnielow@doeal.gov or 505-845-6072. The solicitations for new contracts closed on May 22, 2008, and DOE is evaluating the proposals. The following tasks have been issued recently:

Description	DOE Contact	Date Awarded	Contract Team
Supplement Analysis Support for Sandia Site Office	Susan Lacy 505-845-5542 slacy@doeal.gov	7/21/2008	AGEISS
EA for Auburn Landfill Gas Electric Generators and Anaerobic Digester Energy Facilities	Roy Spears 304-285-5460 rspear@netl.doe.gov	7/23/2008	Potomac-Hudson

DOE Issues New Environmental Justice Strategy

DOE has issued a new *Environmental Justice Strategy*, the plan by which the Department manages its environmental justice responsibilities and commitments. DOE will further the implementation of the *Strategy* and its goals by continuing to use the NEPA process to assess whether Departmental actions would have disproportionately high and adverse human health or environmental effects on minority, low-income, and tribal populations.

Acting Deputy Secretary Jeffrey Kupfer announced the new *Strategy* – which emphasizes community participation, stakeholder involvement, and community empowerment – on May 22, 2008, at the *State of Environmental Justice in America* conference in Washington, DC. At this conference, co-sponsored by DOE and attended by Federal agencies and environmental justice stakeholders, DOE highlighted its commitment to meet its responsibilities under Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, which tasked each Federal agency to make achieving environmental justice part of its mission.

DOE is now preparing a *Five-Year Implementation Plan* for its environmental justice activities. The *Strategy* and other environmental justice materials are found at www.lm.doe.gov/env_justice/policy.htm. For additional information on the Department's Environmental Justice Program, contact Melinda Downing, Environmental Justice Program Manager, Office of Legacy Management, at melinda.downing@hq.doe.gov or 202-586-7703. 

DOE's Environmental Justice Goals

Environmental justice is “fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income, or education level with respect to development, implementation, and enforcement of environmental laws, regulations, and policies.”

Goal 1 Identify and address programs, policies, and activities of the Department that may have disproportionately high and adverse human health or environmental effects on minority, low-income, and tribal populations.

Goal 2 Enhance the credibility and public trust of the Department by further making public participation a fundamental component of all program operations, planning activities, and decision-making processes.


Goal 3 Improve research and data collection methods relating to human health and the environment of minority, low-income, and tribal populations.

Goal 4 Further Departmental leadership by integrating environmental justice with activities and processes related to human health and the environment.

Do You Have the Latest Code?

Public comment on a recent draft EIS pointed out that DOE had not used the most current computer modelling software to estimate dose from radionuclide emissions to air. The EIS had relied on Version 1 of the Environmental Protection Agency's (EPA's) CAP-88 (Clean Air Act Assessment Package – 1988) computer model rather than the current Version 3. While EPA allows use of any of the three versions of CAP-88 for enforcement purposes, the Agency states on its website

that “because Version 3 incorporates the latest science and is more versatile than the older versions, it is recommended.” Likewise, the DOE NEPA Office recommends always using the current version of software and other analytic tools for NEPA analyses. The analysis in the EIS in question has been updated for the final.

EPA's CAP-88 software – current and earlier versions – and related information are available at www.epa.gov/radiation/assessment/CAP88. 

Here Comes the Sun—Solar Energy Programmatic EIS To Support Utility-Scale Solar Development in the West

Preparation of a Solar Energy Programmatic EIS (PEIS) by DOE and the Bureau of Land Management (BLM) is underway, following a 47-day scoping period that ended July 15 and generated about 16,000 public comment documents. Most of the comment documents were part of a campaign from two environmental groups – the Wilderness Society and Defenders of Wildlife – supporting solar energy, but concerned about the need to protect sensitive environmental resources such as national parks, wilderness areas, and critical habitat.

“The PEIS is a great opportunity for the BLM and DOE to make sure solar energy is done right in the West. The same landscapes that make utility-scale solar energy possible are often the ones that are most at risk from the impacts of climate change and in need of protection,” states the Wilderness Society campaign letter. The Defenders of Wildlife campaign letter emphasizes the organization’s support of renewable energy and the need for strong policies to minimize negative



This 14-megawatt single axis, flat panel photovoltaic cell system is located at Nellis Air Force Base, Nevada. More than 72,000 solar panels occupy 140 acres – the largest solar photovoltaic system in North America.

environmental impacts, and protect our public lands and wildlife for future generations.

PEIS Scope Covers Policies, Technologies

The PEIS will analyze agency-specific policies and programs to facilitate utility-scale development of two alternative solar technologies – concentrating solar power (CSP) and photovoltaic solar power. The PEIS study area includes BLM-administered lands or other Federal, state, tribal or private lands in six western states – Arizona, California, Colorado, Nevada, New Mexico, and Utah. The study has been limited to these six states based on an initial resource assessment showing that they encompass the most prospective solar resources suitable for utility-scale development over the next 20 years.

In the PEIS, DOE and BLM will propose to develop and implement agency-specific programs that establish environmental policies and mitigation strategies for solar energy development. Policies and mitigation measures adopted as part of the proposed programs would identify best practices for deploying solar energy and ensuring minimal impacts to natural and cultural resources.

Scoping Meetings In 11 Cities, 6 States

Following the issuance of the Notice of Intent to prepare the PEIS on May 29, 2008 (73 FR 30908), DOE and BLM conducted scoping meetings in 11 cities in the six-state study area in June and July. The scoping meetings provided information on utility-scale solar energy projects, an overview of the proposed DOE and BLM actions,

What Is Utility-Scale Solar Power?

Utility-scale Solar Energy Facilities are facilities that generate large amounts of electricity, greater than 10 megawatts, to be put directly into the electricity transmission grid. Solar energy technologies potentially suitable for use in utility-scale applications are concentrating solar power and photovoltaic technologies.

Concentrating Solar Power Technologies use mirrors to concentrate the sun’s radiant energy to heat fluids or solids. The heat from the fluids or solids drives steam turbines or other devices to generate power.

Photovoltaic Solar Power Technologies use panels of semiconductor materials that absorb the sun’s radiant energy and convert it directly to electricity, rather than first converting it to heat. Although this technology can be built to utility scale, it is often built on a smaller scale for distributed generation.

Excerpted from the Solar Energy Development PEIS Information Center, <http://solareis.anl.gov>.

(continued on next page)

Solar Energy Programmatic EIS (continued from previous page)



An example of a concentrating solar power U-shaped (parabolic) trough system at Kramer Junction, California.

PEIS scope and content, alternatives, and environmental issues and impacts.


Prior to the scoping meetings, BLM had temporarily suspended acceptance of new solar development applications for projects on BLM lands pending completion of the PEIS. Based on public comments received during the scoping meetings, BLM decided to continue to accept applications for solar energy development on BLM lands, as well as process the 125 applications previously received. “We heard the concerns expressed during the scoping period about waiting to consider new applications,” said BLM Director James Caswell in a July 2, 2008, press release, “and we are taking action.”

Potential Environmental Impacts From Solar Energy Development

Solar energy development projects can require large tracts of land; for example, CSP facilities can occupy at least 5 acres for each megawatt. Also, a 100-megawatt CSP facility may consume 600 acre/feet per year of water for operations. In addition to public concerns about land and water use, public comments addressed habitat fragmentation and impacts to sensitive biological resources; visual impacts near wilderness areas and parks; cultural, paleontological, tribal, and geologic impacts; and the use of hazardous fluids and solids in some solar technologies.

Next Steps

DOE and BLM are considering requests from the California and Nevada Region of the U.S. Fish and Wildlife Service, the Southwest Region of the U.S. Forest Service, and several state and local jurisdictions to participate as cooperating agencies. A Draft PEIS is expected to be issued in Spring 2009.

For further information on the DOE Solar Energy Technology Program, contact Frank “Tex” Wilkins, Office of Solar Energy Technology, Energy Efficiency and Renewable Energy, at frank.wilkins@ee.doe.gov or 202-586-1684. For information on the Solar PEIS, contact Lisa Jorgensen, NEPA Document Manager, Golden Field Office, at lisa.jorgensen@go.doe.gov or 303-275-4906. Additional information is also available on the Solar Energy Programmatic EIS website at <http://solareis.anl.gov>. 



See you at the September 2008
DOE NEPA Community Meeting!



Litigation Updates

Two New NEPA Suits Filed

Complaint Claims Programmatic EIS Required for DOE Uranium Leasing Program

The Colorado Environmental Coalition and three other nongovernmental organizations have filed a lawsuit challenging DOE's plans to extend and expand its Uranium Leasing Program. The complaint, filed on July 31, 2008, alleges that DOE failed to adequately consider environmental impacts of expanding its active leasing from 13 to up to 38 individual lease tracts.

The plaintiffs allege that DOE's *Uranium Leasing Program Programmatic Environmental Assessment* (DOE/EA-1535, July 2007) is inadequate, particularly in its analysis of direct, indirect, and cumulative impacts of lease sales, mine approvals, and reclamation plans, and does not support a finding of no significant impact (FONSI). Plaintiffs request that the court invalidate DOE's Programmatic EA and FONSI and issue an injunction to prevent implementation of programmatic decisions, issuance of uranium leases, renewal of uranium leases, and on-site implementation of the leasing program until DOE

completes a programmatic EIS and site-specific NEPA analyses. The plaintiffs also request that the court direct DOE to take immediate steps to stabilize and reclaim the inactive mines and secure and stabilize the uranium ore that is being stored at the lease tracts. DOE's response is due October 6, 2008. *Colorado Environmental Coalition v. DOE* (D. Colorado), Case No.: 08-01624.

Suit Filed over Computational Facility at Lawrence Berkeley National Laboratory

Save Strawberry Canyon, a nongovernmental organization, has sued DOE and others regarding the planned Computational Research and Theory Facility, to be constructed and operated at Lawrence Berkeley National Laboratory, which is owned by DOE and managed by the University of California. The complaint, filed on July 21, 2008, alleges that DOE violated NEPA by not preparing an EA or EIS. DOE's response is due September 29, 2008. *Save Strawberry Canyon v. LBNL* (N.D. California), Case No.: 08-03494.

Assessing and Managing Cumulative Environmental Effects

International Meeting Announced for November 2008



The International Association for Impact Assessment (IAIA) has announced a special topic meeting on cumulative

effects, to be held November 6–9, 2008, in Calgary, Alberta, Canada. The program will take stock of key trends and issues; identify strengths and weaknesses of current impact assessment and resource management approaches for cumulative effects; and document good practice and ways forward to improve and integrate the institutions, science, and practice of cumulative effects assessment and management.

The keynote address, "Toward More Integrated Approaches to Cumulative Effects Assessment and Management that Link Science, Institutions, and Practice More Effectively," will be presented by Stephen Lintner, senior professional and advisor on environmental and social safeguard policies at the World Bank.

Meeting sessions will be organized around four themes:

- Institutional arrangements (including legal and policy frameworks, processes, and instruments) for assessment, planning, and management of cumulative impacts,
- Science-based frameworks, knowledge systems, and methodologies and tools in support of decisionmaking, particularly within sustainability frameworks,
- Operational practice in analysis, mitigation, and monitoring of cumulative effects and in evaluation of project performance after implementation, and
- Integrated approaches that demonstrate the effective linkage of institutions, science, and practice in strategic (top down) and/or project (bottom up) approaches to assessing and managing cumulative effects.

Further information on IAIA and the cumulative effects meeting is available at www.iaia.org; inquiries may be addressed to info@iaia.org.

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.

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

NEPA/309 Review (FED 103)

San Francisco, CA: September 9-11
No Fee

NEPA Cross-Cutting Training (FED 108)

New York, NY: September 16-18
No Fee

NEPA and Air Impacts (FED 111)

Washington, DC: November 18-19
No Fee

NEPA and Adaptive Management (FED 110)

Philadelphia, PA: December 9-10
No Fee

- ICF Jones & Stokes
916-737-3000

eeducation@jsanet.com
www.jonesandstokes.com

The National Environmental Policy Act (NEPA): Common Mistakes and How To Avoid Them

Teleconference: September 12
\$249

- Nicholas School of the Environment and Earth Sciences
Duke University
919-613-8082

del@nicholas.duke.edu

www.env.duke.edu/del/continuing/courses.html

Accounting for Cumulative Effects in the NEPA Process

Durham, NC: September 10-12
\$750

Implementation of NEPA

Durham, NC: October 20-24
\$1150 (\$1225 after 9/29/08)

Current and Emerging Issues in NEPA

Durham, NC: November 12-14
\$750 (\$825 after 10/22/08)

Considering Greenhouse Gas Emissions and Climate Change under NEPA

Durham, NC: December 10-12
\$800 (\$875 after 11/19/08)

Certificate in NEPA

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. Co-sponsored by CEQ.

Fee: Included in registration for constituent courses.

del@nicholas.duke.edu

www.env.duke.edu/del/continuing/courses.html

- Northwest Environmental Training Center
206-762-1976
rsobol@nwtc.org
www.nwtc.org

NEPA: Writing the Perfect EA/FONSI or EIS

Lacey, WA: October 8-9

Gulfport, MS: November 13-14

Houston, TX: November 18-19

Washington, DC: December 3-4

Denver, CO: December 9-10

\$495 (discounts available)

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

NEPA Cumulative Effects Analysis and Documentation

Dallas/Ft. Worth, TX: September 16-18

\$955 (GSA contract: \$865)

San Francisco, CA: November 4-5

\$715 (GSA contract: \$625 until 10/8/08)

NEPA Climate Change Analysis

Jacksonville, FL: September 23-24

\$755 (GSA contract: \$665)

San Francisco, CA: November 6-7

\$715 (GSA contract: \$625 until 10/8/08)

Training Opportunities

(continued from previous page)

Writing for Technical Specialists

Phoenix, AZ: September 29-October 1
\$934 (GSA contract: \$844)

How to Manage the NEPA Process – Emphasis on Native American Issues

Las Vegas, NV: September 30-October 2
\$955 (GSA contract: \$865)

Integrating Federal Environmental Laws into NEPA

Las Vegas, NV: October 21-23
\$915 (GSA contract: \$825)

How to Manage the NEPA Process and Write Effective NEPA Documents

Denver, CO: October 21-24
\$1,115 (GSA Contract: \$1,025)
Baltimore, MD: December 2-5
\$1,115 (GSA contract: \$1025 until 10/15/08)

Clear Writing for NEPA Specialists

San Diego, CA: October 28-30
\$915 (GSA contract: \$825 until 9/8/08)

Overview of the NEPA Process/Endangered Species Act Overview/Section 106 of the National Historic Preservation Act Overview

San Antonio, TX: November 4-6
\$915 (GSA contract: \$825 until 9/12/08)

NEPA Cumulative Effects Analysis and Documentation/NEPA Climate Change Analysis

San Francisco, CA: November 4-7
\$1,115 (GSA contract: \$1,025 until 10/8/08)

NEPA Certificate Program

Requires successful completion of four core and three elective courses offered by The Shipley Group and a final project.

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

Contact: Natural Resources and Environmental Policy Program, Utah State University; 435-797-0922;

judy.kurtzman@usu.edu;
www.cnr.usu.edu/htm/students/graduate_programs/NEPA

- SWCA Environmental Consultants
800-828-7991

training@swca.com
www.swca.com/training

Advanced Topics in NEPA

Pasadena, CA: October 8-9
\$695 (discounts available)

Comprehensive NEPA

San Diego, CA: October 15-17
\$795 (discounts available)

Places that Count: Identifying and Managing Traditional Cultural Properties

Portland, OR: October 21-22
\$695 (discounts available)

The Cultural Side of NEPA: Addressing Cultural Resources in NEPA Analysis

Portland, OR: October 23-24
\$695 (discounts available)

- USDA Graduate School
202-314-3300 or 888-744-4723
customerservicecenter@grad.usda.gov
<http://grad.usda.gov>

NEPA: Policy, Procedure and Science/Art

Washington, DC: Fall 2008 (Dates to be announced) (ENVS4435E)
Fee: to be announced

- U.S. Institute for Environmental Conflict Resolution
520-901-8501
usiecr@ecr.gov
www.ecr.gov/Training/Training.aspx

Collaborative Competencies

Washington, DC: September 23-25
Tuscon, AZ: November 5-7
\$1,495

Advanced Multi-Party Negotiation of Environmental Disputes

Tuscon, AZ: October 8-10
\$1,295

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Training Opportunities

(continued from previous page)

Customized NEPA Training

- Environmental Impact Training
512-940-7969
info@eiatraining.com
www.eiatraining.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 Training & Consulting International, Inc.
503-274-1790
info@envirotrain.com
www.envirotrain.com

NEPA Toolbox™ Training

Several courses are available. 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 Planning Strategies, Inc.
563-332-6870
jleeeps@mchsi.com
www.jlee-eps.com/workshops.php

Powerful Planning Using NEPA and the Facilitated Planning Approach

3-5 days

NEPA Document Review under Section 309 of the Clean Air Act

3-4 days

Conducting Effective NEPA Document Reviews for NEPA Practitioners and Managers

3-4 days

Conducting Quality Cumulative Impact Analyses under NEPA

2-3 days

NEPA: A Dialogue of Understanding for Quality Planning

Length tailored to need

NEPA: Powerful Planning Focusing on Purpose and Need

3-4 days

Developing and Implementing Effective NEPA Planning Strategies

Length tailored to need

EAs and EISs Completed April 1 to June 30, 2008

EAs

Bonneville Power Administration

DOE/EA-1591 (EA/FONSI 5/30/08)

Palisades-Goshen Pole Replacement Project, Idaho

Cost: \$302,000

Time: 13 months

Chicago Office/Office of Science

DOE/EA-1570 (EA/FONSI 6/11/08)

Construction and Operation of Neutrinos at the Main Injector Off-Axis Electron Neutrino (V_e) Appearance Experiment (NOvA) at the Fermi National Accelerator Laboratory, Batavia, Illinois, and St. Louis County, Minnesota

Cost: \$300,000

Time: 23 months

Golden Field Office/Energy Efficiency and Renewable Energy

DOE/EA-1609 (EA/FONSI 5/15/08)

Supplement to the Proposed Operations and Improvements at the National Renewable Energy Laboratory's South Table Mountain, Golden, Colorado

Cost: \$151,000

Time: 8 months

Kansas City Site Office/National Nuclear Security Administration and General Services Administration

DOE/EA-1592 (EA/FONSI 4/21/08)

Modernization of Facilities and Infrastructure for the Non-Nuclear Production Activities Conducted at Kansas City Plant, Kansas City, Missouri

Cost: \$140,000

Time: 11 months

Lawrence Berkeley National Laboratory/Office of Science

DOE/EA-1541 (EA/FONSI 4/3/08)

Demolition of Building 51 and the Bevatron, Lawrence Berkeley National Laboratory, Berkeley, California

Cost: \$215,000

Time: 26 months

Pantex Site Office/ National Nuclear Security Administration

DOE/EA-1613 (EA/FONSI 6/11/08)

Proposed High Explosive Pressing Facility, Amarillo, Texas

Cost: \$26,000

Time: 2 months

Sandia Site Office/National Nuclear Security Administration

DOE/EA-1603 (EA/FONSI 4/17/08)

Expansion of Permitted Land and Operations at the 9940 Complex and Thunder Range at Sandia National Laboratories, Albuquerque, New Mexico

Cost: \$150,000

Time: 12 months

Western Area Power Administration

DOE/EA-1590 (EA/FONSI 4/14/08)

Wessington Springs Wind Project, South Dakota

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

Time: 12 months

EISs

Bonneville Power Administration

DOE/EIS-0379 (73 FR 32331, 6/6/08)

(EPA Rating: EC-2)

Project-specific Environmental Impact Statement for Rebuild of the Libby (FEC) to Troy Section of Bonneville Power Administration's Libby to Bonners Ferry 115-kV Transmission Line Project, Lincoln County, Montana

Cost: \$1,200,000

Time: 37 months

National Nuclear Security Administration/ Los Alamos Site Office

DOE/EIS-0380 (73 FR 28461, 5/16/08)

(EPA Rating: LO)

Site-wide Environmental Impact Statement for Continued Operation of Los Alamos National Laboratory, Los Alamos, New Mexico

Cost: \$17,300,000

Time: 40 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.)

NEPA Document Cost and Time Facts

EA Costs and Completion Times

- For this quarter, the median cost for the preparation of 7 EAs for which cost data were applicable was \$151,000; the average cost was \$183,000.
- Cumulatively, for the 12 months that ended June 30, 2008, the median cost for the preparation of 18 EAs for which cost data were applicable was \$145,000; the average cost was \$147,000.
- For this quarter, the median completion time for 8 EAs was 12 months; the average was 13 months.
- Cumulatively, for the 12 months that ended June 30, 2008, the median completion time for 22 EAs was 13 months; the average was 23 months.

EIS Costs and Completion Times

- For this quarter, the median and average costs for the preparation of 2 EISs were \$9,250,000.
- Cumulatively, for the 12 months that ended June 30, 2008, the median cost for the preparation of 6 EISs for which cost data were applicable was \$1,580,000; the average cost was \$4,637,000.
- For this quarter, the median and average completion times for 2 EISs were 39 months.
- Cumulatively, for the 12 months that ended June 30, 2008, the median completion time for 10 EISs was 26 months; the average was 31 months.

Recent EIS-Related Milestones (June 1 to August 31, 2008)

Notice of Intent

Office of Energy Efficiency and Renewable Energy/Golden Field Office
DOE/EIS-0407
Environmental Impact Statement for the Abengoa Biorefinery Project, Hugoton, Kansas
August 2008 (73 FR 50001, 8/25/08)

Extension of Public Scoping Comment Period

Office of Energy Efficiency and Renewable Energy
DOE/EIS-0403
Programmatic Environmental Impact Statement for Solar Energy Development
July 2008 (73 FR 38443, 7/7/08)

Final EISs

Office of Civilian Radioactive Waste Management
DOE/EIS-0250F-S1
Supplemental Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada
July 2008 (73 FR 39958, 7/11/08; 73 FR 41351, 7/18/08, correction)

DOE/EIS-0250F-S2
Supplemental Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-level Radioactive Waste at Yucca Mountain, Nye County, Nevada – Nevada Rail Transportation Corridor
July 2008 (73 FR 39958, 7/11/08; 73 FR 41351, 7/18/08, correction)

DOE/EIS-0369
Environmental Impact Statement for a Rail Alignment for the Construction and Operation of a Railroad in Nevada to a Geologic Repository at Yucca Mountain, Nye County, Nevada
July 2008 (73 FR 39958, 7/11/08; 73 FR 41351, 7/18/08, correction)

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Recent EIS-Related Milestones *(continued from previous page)*

Records of Decision

Bonneville Power Administration

DOE/EIS-0183

*Business Plan Environmental Impact Statement
ROD for the Electrical Interconnection of the Willow
Creek Wind Project, Gilliam and Morrow Counties,
Oregon*

June 2008 (73 FR 36500, 6/27/08)

DOE/EIS-0183

*Business Plan Environmental Impact Statement
ROD for the Electrical Interconnection of the
Shepherds Flat Wind Energy Project, Gilliam and
Morrow Counties, Oregon*

July 2008 (73 FR 43730, 7/28/08)

DOE/EIS-0379

*Rebuild of the Libby (FEC) to Troy Section of
Bonneville Power Administration's Libby to Bonners
Ferry 115-kV Transmission Line Project, Lincoln
County, Montana*

August 2008 (73 FR 44979, 8/1/08)

Bonneville Power Administration/ Office of Energy Delivery and Energy Reliability

DOE/EIS-0378

*Port Angeles-Juan de Fuca Transmission Project,
Clallam County, Washington*

June 2008 (73 FR 32686, 6/10/08)

Office of Energy Delivery and Energy Reliability

DOE/EIS-0395

*San Luis Rio Colorado Project, Yuma County,
Arizona*

August 2008 (73 FR 49447, 8/21/08)

Amended Record of Decision

National Nuclear Security Administration

*Environmental Impact Statement on a Proposed
Nuclear Weapons Non-proliferation Policy
Concerning Foreign Research Reactor Spent
Nuclear Fuel*

August 2008 (73 FR 50004, 8/25/08)

Supplement Analyses

Bonneville Power Administration

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

DOE/EIS-0285-SA-376

*Vegetation Management on the Tanner Tap to
Snoqualmie - Lake Tradition Transmission Line
Corridor, King County, Washington*

(Decision: No further NEPA review required)

June 2008

DOE/EIS-0285-SA-377

*Vegetation Management along the Olympia - Grand
Coulee No. 1, 287 kV Transmission Line Corridor
from Structure 53/4 to Structure 70/6, King and
Pierce Counties, Washington*

(Decision: No further NEPA review required)

June 2008

DOE/EIS-0285-SA-378

*Vegetation Management along the Schultz - Raver
No. 1, 500 kV Transmission Line Corridor, King and
Kittitas Counties, Washington*

(Decision: No further NEPA review required)

June 2008

DOE/EIS-0285-SA-379

*Vegetation Management (Reclaim and Danger Tree
Cutting) along the Naselle - Tarlette #1 Transmission
Line Corridor, Pacific County, Washington*

(Decision: No further NEPA review required)

June 2008

DOE/EIS-0285-SA-380

*Vegetation Management (Reclaim and Danger Tree
Cutting) along the Satsop - Aberdeen No. 1 & 2,
Transmission Line Corridor between Structures 12/1
and 13/1, Grays Harbor County, Washington*

(Decision: No further NEPA review required)

June 2008

DOE/EIS-0285-SA-381

*Vegetation Management for Little Goose - Lower
Granite, between Structures 16/3 and 16/4, Garfield
County, Washington*

(Decision: No further NEPA review required)

June 2008

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Recent EIS-Related Milestones *(continued from previous page)*

DOE/EIS-0285-SA-382

*Vegetation Management for Monroe-Custer
No. 1 from Tower 7/5 to 46/1, Snohomish and Skagit
Counties, Washington*

(Decision: No further NEPA review required)

July 2008

DOE/EIS-0285-SA-383

*Vegetation Management (Reclaim and Danger
Tree Cutting) along the Raymond - Henkle Street
No. 1 Transmission Line Corridor, Pacific County,
Washington*

(Decision: No further NEPA review required)

July 2008

DOE/EIS-0285-SA-385

*Vegetation Management (Reclaim and Danger Tree
Cutting) along the Olympia - Shelton Transmission Line
Corridor, Thurston and Mason Counties, Washington*

(Decision: No further NEPA review required)

July 2008

DOE/EIS-0285-SA-386

*System-wide Emergency Management of Vegetation
Encroachment*

(Decision: No further NEPA review required)

July 2008

Questionnaire Results

What Worked and Didn't Work in the NEPA Process

To foster continuing improvement in the Department's NEPA Compliance Program, DOE Order 451.1B requires the Office of NEPA Policy and Compliance to solicit comments on lessons learned in the process of completing NEPA documents and distribute quarterly reports.

The material presented here reflects the personal views of individual questionnaire respondents, which (appropriately) may be inconsistent. Unless indicated otherwise, views reported herein should not be interpreted as recommendations from the Office of NEPA Policy and Compliance.

Scoping

What Worked

- *Scoping meeting schedules.* The potential for bad weather during our snowy winter was taken into account when scheduling scoping meetings.
- *Stakeholder involvement.* Extra effort was expended to ask stakeholders for suggestions of things to consider in the supplement analysis.

What Didn't Work

- *Changes to alternatives.* The need to add an alternative to the EIS was not identified until months after the scoping period closed and the draft document was well under preparation.

Data Collection/Analysis

What Worked

- *Sharing data.* The document manager used DOE Headquarters resources effectively to obtain information and shared data with other affected DOE sites.
- *Alternative comparison table.* Using a table to indicate differences among alternatives was very effective.
- *Single point of contact for data collection.* Use of a single point of contact at the site for collecting data for the EIS worked well.

What Didn't Work

- *Lack of data at the site.* Due to the lack of data at the site, site personnel had to get the site data from non-site sources.
- *Difficulty identifying appropriate methodology.* The lack of specific guidance led to delays in identifying the appropriate methodology for intentional destructive act analysis.

- *Lack of DOE involvement with initial state processes.* DOE staff did not fully participate in the preliminary state NEPA-like processes, although the related Federal EA process was dependent on that initial effort.
- *Gaps between state and DOE requirements.* The product of the state NEPA-like process did not meet all of the requirements of the DOE EA process; a gap analysis of the two would have been useful.

Schedule

Factors that Facilitated Timely Completion of Documents

- *Daily interaction.* Daily review and communication between DOE Headquarters and the site facilitated timely completion of the EA.
- *Designating priorities.* Producing an EA in a short time period was possible because the project was designated a top priority by management.
- *In-house preparation.* Substantial savings and a short completion time were realized by preparing the EA by DOE staff instead of using a contractor.
- *Early development of project schedule.* The existence of a schedule from the first day of the process was a key factor for timely completion.
- *Weekly calls.* Pre-arranged weekly calls among the team members helped keep the project on schedule.
- *Attention to detail.* Constant attention to detail ensured that the EA was completed on time.
- *Continual communication.* Continual communication with cooperating agency contacts and the design team allowed the EA to progress as scheduled.
- *Team member flexibility.* Team members fulfilled the tasks assigned to others when conflicting priorities would have prevented timely completion.

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

- *In-house preparation of document.* Bringing the project in-house and working with an in-house writer-editor allowed a quality EA to be completed on time.

Factors that Inhibited Timely Completion of Documents

- *Unfamiliarity with related program.* Complex transformation program issues played a role in a site-specific EIS, but many staff were not familiar with that program.
- *Absence of draft deadlines.* Although the lack of time pressure allows preparation of a good document, the absence of a deadline for the final EIS may result in a document remaining in draft form for longer than necessary.
- *Change in level of NEPA review.* The original NEPA document prepared was found to be inadequate late in the process, resulting in the need to prepare an EA in a very short time.
- *Changes in direction.* Delayed and changing decisions by DOE Headquarters resulted in a significant amount of rework and changes to the EIS.
- *Other priorities.* Document review at DOE Headquarters was delayed for both the draft and final EISs in part to accommodate the schedules of other EISs. These delays resulted in repeated requirements for additional funds across multiple fiscal years, which created accounting challenges.
- *Lack of contractor experience.* The EA contractor seemed to lack experience in the DOE NEPA process, and most importantly general NEPA experience.
- *Late identification of technical issues.* New technical issues were identified late in the EA process, requiring additional time for resolution.
- *Priorities of cooperating agencies.* The internal priorities of the cooperating agencies conflicted with the lead agencies' schedule.
- *Constant data changes.* Constant changes to the engineering and design data required revisions to the EA.
- *Lack of quality in contractor work.* Problems with the quality of the contractor's work led DOE to complete the EA in-house.

Teamwork

Factors that Facilitated Effective Teamwork

- *Effective document manager.* Because the document manager was considered credible, people were more likely to accept her input. She was easy to communicate with and eager to improve the document to facilitate its passage through the review process.
- *Agency leadership.* The National Nuclear Security Administration provided leadership in ensuring that major issues were discussed and that the EIS was reviewed and revised as needed.
- *Timely communication.* The EA process was facilitated by daily conference calls between DOE Headquarters and the site and by fast turnaround on reviews and email responses to inquiries.
- *Effective division of tasks.* DOE and the contractor each worked on separate sections of the document to prevent duplication of effort.
- *Good working relationships.* DOE and its contractors worked well together despite differences of opinion regarding the alternatives.
- *Experienced participants.* The participation of team members who had worked on other NEPA documents resulted in an improved document.

Factors that Inhibited Effective Teamwork

- *Disagreements with contractor.* The contractor seemed unwilling to make necessary changes to the EIS, resulting in conflict with DOE Headquarters.
- *Lack of participation from all team members.* All of those involved in preparation of a NEPA document need to work well within a team structure.
- *Lack of NEPA experience.* The applicant's scientific excellence and project familiarity did not automatically translate to success preparing an EA. Participation of environmental, safety and health staff with NEPA experience and/or procurement of an experienced NEPA contractor are essential for a successful NEPA process.

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

- *Exclusion of NEPA staff from project scheduling and budget discussions.* NEPA staff should be consulted regarding NEPA milestones and estimated costs to be integrated into the overall project schedule and budget. The NEPA Document Manager should participate in project meetings and be aware of the project's Gantt chart.
- *Unrealistic expectations of team.* A team approach can reduce the number of follow-on comments, but it is not realistic to expect there to be none.
- *Direct contact between DOE Headquarters participants and the contractor.* DOE field staff should act as a liaison between the contractor and DOE Headquarters participants to ensure appropriate communication.
- *Lack of in-house team.* Because an in-house team was not available to support the full EA process, DOE used a contractor, which was more expensive and less committed to the project, resulting in a lower quality product.

Process

Successful Aspects of the Public Participation Process

- *Individual comment responses.* DOE provided respectful responses to individual comments.
- *DOE participation addressed concerns.* Although members of the public appeared negatively disposed to the project, DOE responded effectively to their concerns through both Headquarters and site participation.
- *Meetings with tribes and Federal stakeholders.* Direct meetings between DOE NEPA staff and tribes and other Federal agencies concerning the project motivated the stakeholders to help with the EA.
- *Soliciting comments when not required.* Requesting public comments, although not required for a supplement analysis, was beneficial.
- *Public cooperation in the process.* Members of the public attended meetings on the EA and provided meaningful comment, at times speaking directly with DOE engineers about alterations to the project that would impact their properties.

Unsuccessful Aspects of the Public Participation Process

- *Divergent interests limit value of input.* Rather than providing DOE with the type of input the agency requests, many members of the public made comments that were directed towards one another.
- *Public participation process is outdated.* The meeting locations, times, and types selected by DOE for the public participation process are often met with protest by potential participants who are unwilling to travel or invest their time in the process. All parties might better be served by using the Internet as a forum for public meetings.

Usefulness

Agency Planning and Decisionmaking: What Worked

- *NEPA process respected.* Respect for the NEPA process by the site as well as by Headquarters resulted in effective interaction.
- *Existing NEPA guidance.* Following the length and content recommendations of existing regulatory guidance regarding EAs avoided problems with document length and content expansion.
- *Alternative design process.* The NEPA process allowed for the identification and resolution of historic preservation issues through redesign of certain aspects of the project.
- *Mitigation planning.* The NEPA process facilitated informed and sound decisionmaking, including the development and implementation of mitigation measures in conjunction with the cooperating agencies.

What Didn't Work

- *Commitment to the EIS process.* Commitment to completing site-wide EISs in a timely fashion is necessary for the impact analyses to be useful for decisionmaking.
- *Decisions already made overturned.* Project decisions had already been made when it was decided that an EA was needed.

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

Enhancement/Protection of the Environment

- *EIS enables mitigation.* Even when the NEPA process seems to result in a validation of existing practices or decisions, mitigation may enhance protection of the environment.
- *Protection of historic properties.* The NEPA process allowed for the identification and protection of properties requiring historic preservation.
- *Protection of undisturbed areas.* A stakeholder provided input that resulted in the protection of undisturbed areas.

Other Issues

Guidance Needs Identified



- *Intentional destructive acts/terrorism guidance.* Guidance that considers intentional destructive acts/terrorism in NEPA documents is recommended. **Editor's Note:** DOE issued interim guidance in December 2006, *Need to Consider Intentional Destructive Acts in NEPA Documents*. *Further guidance is being developed.*
- *Guidance for Internet posting.* Guidance is recommended regarding what information needs to be posted at what point in the process, as well as guidance on Internet servers that can be used (DOE/NNSA or a contractor's) and how long the site should be active.
- *Guidance on considering new studies.* Guidance is recommended on how to handle studies that arise after the NEPA process has begun or been completed. **Editor's Note:** This matter is addressed in DOE's Recommendations for the Supplement Analysis Process, issued in July 2005 (*SA Guidance*).
- *Guidance regarding approval of supplement analyses.* Guidance is needed identifying whose signature is required for a supplement analysis. **Editor's Note:** See Section 4.1, "Approval Authorities," in the *SA Guidance*.



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 6 questionnaire responses were received for EAs and EISs, 5 out of 6 respondents rated the NEPA process as "effective."

- A respondent who rated the process as "5" stated that most engineers and staff see NEPA as an effective tool that allows a project to be built on time and within budget, because a correctly implemented NEPA process addresses public concerns at an early stage. The general concept of considering the environment in the development of a project has become ingrained in younger generations of engineers.
- A respondent who rated the process as "4" stated that those preparing the NEPA document understood the importance of their work, not only the need to include all relevant information, but also to present it effectively. Therefore, they took the time necessary to prepare the most useful document.
- A respondent who rated the process as "4" stated that environmental issues were both identified and resolved during the NEPA process.
- A respondent who rated the process as "3" stated that the EA reminded project managers of environmental protections needed during construction.
- A respondent who rated the process as "3" stated that the process sometimes seemed more combative than needed or justified, and that key decisions were not sufficiently debated.
- A respondent who rated the process as "0" stated that agency planning and decisionmaking, including mitigation approaches, appear to be driven by political and budget considerations rather than the impact analyses developed through the NEPA process.

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