

National Environmental Policy Act LESSONS LEARNED

U.S. DEPARTMENT OF ENERGY

QUARTERLY REPORT

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10 Years of NEPA Metrics: 2003–2012

The Office of NEPA Policy and Compliance has been tracking completion times and other metrics since 1994. (See related article, page 3, and *Notes on NEPA Metrics*, page 4.) The NEPA Office’s most recent analysis – for calendar years 2003 through 2012 – shows that completion time and cost vary considerably from document to document and often within a single year. However, overall performance, as measured through median values throughout the period, generally appears to have remained stable, notwithstanding a substantial workload.

DOE’s NEPA Workload

The number of EISs, EAs, and categorical exclusion (CX) determinations completed each year is one measure of the Department’s overall NEPA workload. DOE began tracking CX determinations during the study period and has complete data on all 3 levels of NEPA review since 2010. CX determinations dominate in sheer numbers with, for example, about 8,500 completed from 2010 through 2012, compared to 174 EAs and 31 EISs (Figure 1).

The number of NEPA documents completed during 2010 and 2011 was higher than normal because of the American Recovery and Reinvestment Act of 2009 (Recovery Act), which authorized an increase in DOE activities of more than \$30 billion and required most funding decisions to be made within 2 years. (See *LLQR*, December 2011, page 10.) However, the relative distribution of NEPA review types reflects DOE’s typical workload. By 2012, when DOE had finished its NEPA reviews for nearly all Recovery Act projects, CX determinations still accounted for 98 percent of completed reviews. Although CX determinations represent the dominant form of NEPA review, the preparation of EISs and EAs clearly requires the greatest effort.

Another way to measure NEPA workload is cost. EISs account for the largest share by far of DOE’s NEPA

expenditures. From 2003 through 2012, DOE completed 38 EISs for which cost data were applicable at a total contractor cost of about \$220 million (average \$22 million per year). During this same period, DOE completed 250 EAs at a total contractor cost of about \$28 million (average \$2.8 million per year). DOE does not track the cost of CX determinations, which are small. Limited data show that EIS preparation costs are typically a small fraction – well under 1 percent – of total project costs.

Median EIS Completion Time: 29 Months

DOE issued 79 EISs from 2003 through 2012, including 13 EISs that DOE adopted after completion by another

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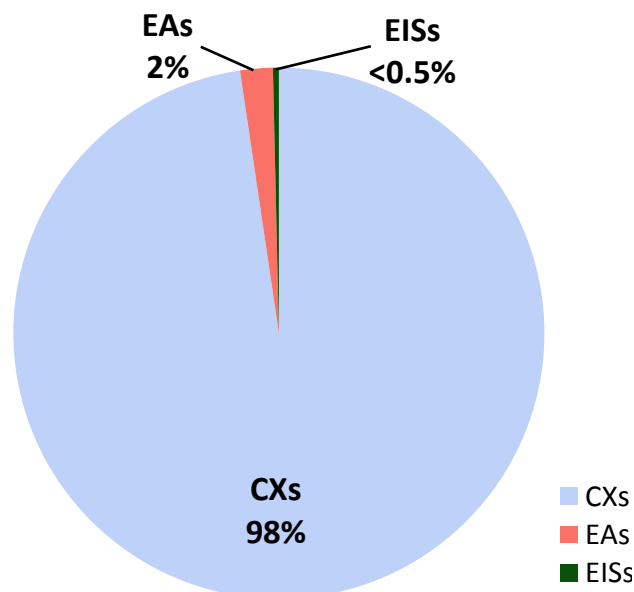


Figure 1: Distribution of Completed DOE NEPA Documents, 2010-2012

Inside Lessons Learned

Welcome to the 76th quarterly report on lessons learned in the NEPA process. This issue features a look at DOE's NEPA performance metrics, including a historical perspective. As DOE NEPA practitioners strive to control time and cost while maintaining quality, this most recent NEPA metrics analysis shows that overall performance generally appears to have remained stable, notwithstanding a substantial workload. Thank you for your continued 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

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Be Part of Lessons Learned

We Welcome Your Contributions to LLQR

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

Quarterly Questionnaires Due November 1, 2013

For NEPA documents completed July 1 through September 30, 2013, NEPA Document Managers and NEPA Compliance Officers should submit a [Lessons Learned Questionnaire](#) as soon as possible after document completion, but not later than November 1. Other document preparation team members are encouraged to submit a questionnaire, too. Contact Vivian Bowie at vivian.bowie@hq.doe.gov for more information.

LLQR Online

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

DOE-wide NEPA Contracts Update


Current Contracts Extended

The period of performance for the seven DOE-wide NEPA contracts has been extended for 6 months, through June 15, 2014. Task orders under the current DOE-wide contracts need to be issued, but need not be completed, before the expiration date. Additional extensions are not available. (See *LLQR*, [March 2009](#), page 8.)

New Solicitation Being Developed

Contracting staff from the NNSA Contracts and Procurement Division are supporting a team of NEPA Compliance Officers, NEPA Document Managers, and staff from the Office of NEPA Policy and Compliance in planning for the acquisition of future NEPA support services for all DOE elements, including NNSA and the

Federal Energy Regulatory Commission. NNSA issued a sources sought notice on August 19, 2013, as part of the initial market research phase to identify contractors that are capable of providing NEPA support services under General Services Administration (GSA) Schedule 899, Environmental Services. Responses are due by September 9. The notice is available on [FedConnect](#) under reference number DE-SOL-0006109.

The first DOE-wide NEPA contracts were awarded in 1997 as an outcome of DOE's 1996 NEPA Contracting Reform Initiative, which recommended establishing contracts in advance of specific task needs to expedite NEPA document preparation. Since then, DOE has issued approximately 160 tasks valued at \$167 million under three sets of 5-year contracts. 

Historical Perspective on DOE EIS Completion Times

DOE has sought for many years to better understand and reduce the time it takes to complete the NEPA process. Much of this effort is rooted in the 1994 *Secretarial Policy Statement on the National Environmental Policy Act* (NEPA Policy Statement), which included a number of measures later incorporated in DOE Order 451.1B, *NEPA Compliance Program*.

A key responsibility for all participants is to control the cost and time for the NEPA process while maintaining its quality.

– DOE Order 451.1B, NEPA Compliance Program

A major focus of the NEPA Policy Statement was streamlining the NEPA process to reduce time and cost while ensuring quality. It set an EIS completion time goal of 15 months and directed measures (text box, page 7) intended to help meet that goal. The NEPA Policy Statement also established a lessons learned program. *Lessons Learned Quarterly Report (LLQR)* plays a key

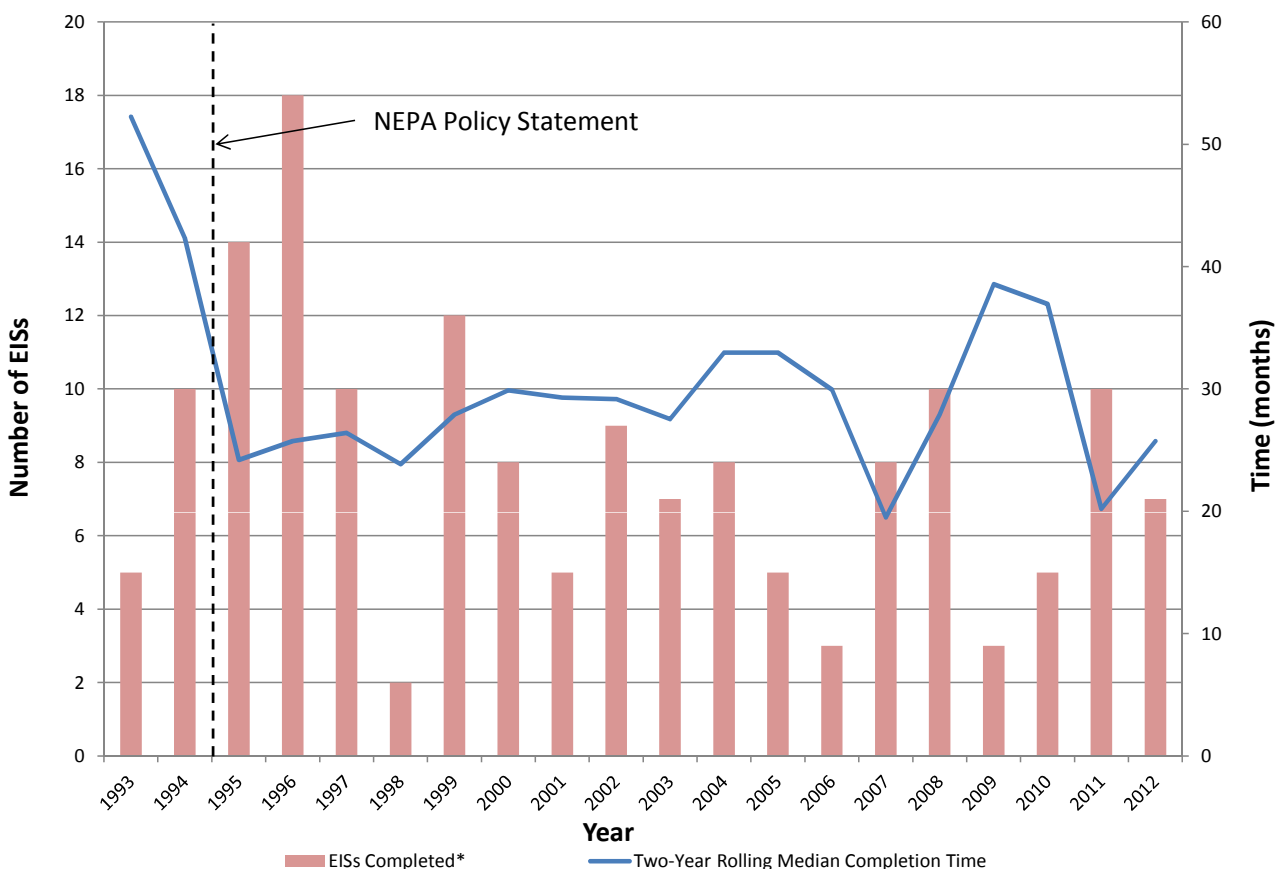
role in this program by publicly reporting completion time data, analyses of trends and factors that affect the length of the NEPA process, and best practices for NEPA practitioners.

The NEPA Office issued the first *LLQR* in December 1994, and began tracking NEPA completion time trends and other NEPA process metrics. To gain perspective on EIS completion times, the NEPA Office examined the 15 EISs completed just before issuance of the NEPA Policy Statement. The median completion time for these mostly project-specific EISs was 33 months (*LLQR*, June 1997, page 16).

The NEPA Office then studied a cohort of EISs (1994 cohort) initiated after issuance of the NEPA Policy Statement. Documents started before but completed after issuance of the NEPA Policy Statement were not included. The median completion time for 20 EISs started between July 1994 and March 1997 was 21 months (19 months for 11 project-specific EISs and 22 months

(continued on page 7)

Median EIS Completion Times, 1993-2012*



* Does not include adopted EISs; completion time values represent EISs completed during the 2-year period ending on December 31 of the indicated year.

DOE NEPA Metrics, 2003–2012

(continued from page 1)

federal agency (Figure 2). The low for the period was 3 EISs completed in 2006, and the high was 11 EISs in both 2010 and 2011. Figure 3 presents the distribution of completion times for 66 EISs completed during this period for which time data are applicable. Thirteen adopted EISs are not included in these calculations because DOE does not control the schedule when it is not the lead agency.

Completion time is calculated from publication of DOE’s notice of intent to publication of the Environmental Protection Agency’s (EPA’s) notice of availability of the final EIS. The median completion time for these documents was 29 months; the average was 33 months. Median completion times were less for project-specific EISs (26 months) than for programmatic and site-wide EISs (41 months). Median EIS completion times have

been stable during the past 10 years with no discernible trend over time.

After completing an EIS, agencies must issue a record of decision (ROD) before taking action. A ROD generally may be issued no sooner than 30 days after EPA publishes a notice of availability of the final EIS (40 CFR 1506.10). Figure 4 (page 5) summarizes ROD issuance times for 79 EISs (including adopted EISs) completed from 2003 through 2012. ROD issuance times are measured from the publication of EPA’s notice of availability, or notice of adoption, of the final EIS to publication of DOE’s ROD. (If more than one ROD was issued, the issuance time is measured to the first ROD.)

During this period, DOE issued 28 percent of the RODs in less than 2 months, and issued 50 percent of the RODs

(continued on page 5)

Figure 2: EISs Completed, 2003–2012

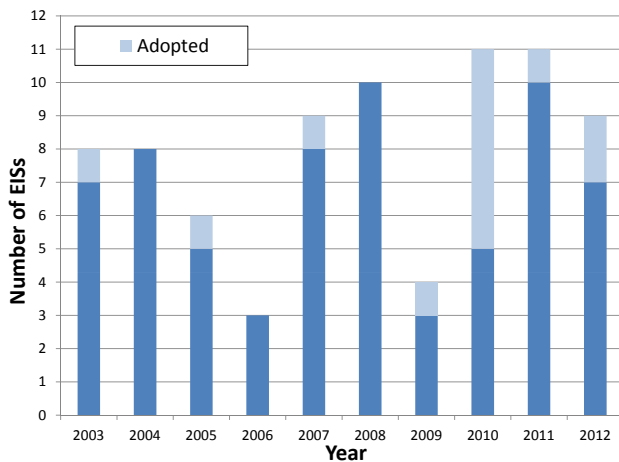
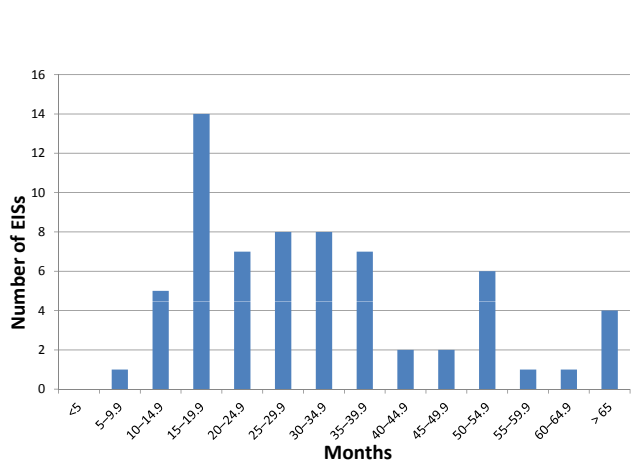


Figure 3: EIS Completion Times, 2003–2012



Notes on NEPA Metrics

Since 1994, the NEPA Office has solicited comments from NEPA Compliance Officers, NEPA Document Managers, and other involved persons on lessons learned for each completed EIS and EA. The NEPA Office tracks and reports periodically on NEPA process performance metrics, including completion time, cost, and measures of effectiveness. The NEPA Office analyzes trends to assess the Department’s progress and recommends ways to foster improvement. Past analyses of trends in metrics data are reported in *LLQR*, including for the periods: 1994–1997 (March 1998, page 17 and June 1999, page 19), 1994–2003 (September 2003, page 4), 1996–2005 (March 2006, page 32), 1997–2007 (June 2007, page 28), 1998–2007 (December 2008, page 16) and 2001–2010 (September 2011, page 1).

Completion time for EISs is measured from DOE’s publication of the notice of intent to prepare an EIS to EPA’s publication of the notice of availability of the final EIS. EA completion time is measured from the EA determination date to EA approval. Completion time data are not reported for adopted documents.

Costs reflect contractor costs to prepare a document that would not be incurred but for the NEPA process; federal staff time associated with contractor-prepared and adopted documents is not tracked. Cost data are not reported for adopted or applicant-paid documents.

DOE began systematically tracking CX determinations in November 2009, when DOE’s policy to post CX determinations online became effective (*LLQR*, December 2009, page 1). Cost and completion time data for CX determinations are not tracked.

DOE NEPA Metrics, 2003–2012

(continued from page 4)

within 3 months. Program office staff have noted that factors unrelated to the NEPA process, such as financing and other project uncertainties, influence the timing of the issuance of RODs. After completion of some EISs, DOE does not issue a ROD, for example because the proposed project is cancelled.

Median EIS Costs Stable

EIS costs have been stable during the past 10 years with no discernible trend over time. The median and average contractor cost per EIS was \$1.4 million and \$5.8 million, respectively. Most of the difference between the median and average cost is attributable to a very few documents with unusually high costs. As is the case with average completion time, data on average EIS costs should be interpreted cautiously in view of the relatively small number of EISs and the influence that a single extraordinary document can have on the average. Cost as well as completion time metrics are summarized in Table 1. Figure 5 provides further information on the distribution of EIS costs.

EA Completion Time and Cost

Completion time and cost metrics for EAs issued from 2003 through 2012 also are summarized in Table 1.

From 2003 through 2009, DOE completed about 25 EAs per year on average (Figure 6, page 6). The number of EA completions doubled in 2010, when about two-thirds of the EAs (52 of 78 documents) issued were for projects funded by the Recovery Act, and EA completions remained high in 2011, when about half (37 of 70 documents) were for Recovery Act projects. The completion rate then dropped to historical levels. In 2012, DOE completed 26 EAs, including 2 for Recovery Act projects.

Figure 7 presents the distribution of completion times for 316 EAs, for which DOE was the lead agency, completed from 2003 through 2012. The median and average completion times were 9 months and 13 months, respectively; the range was 5 weeks to 97 months.

Figure 8 presents the distribution of contractor costs for 250 EAs completed from 2003 through 2012 for which cost data are applicable. The median and average costs
(continued on page 6)

Figure 4: Time from Final EIS to ROD, 2003–2012

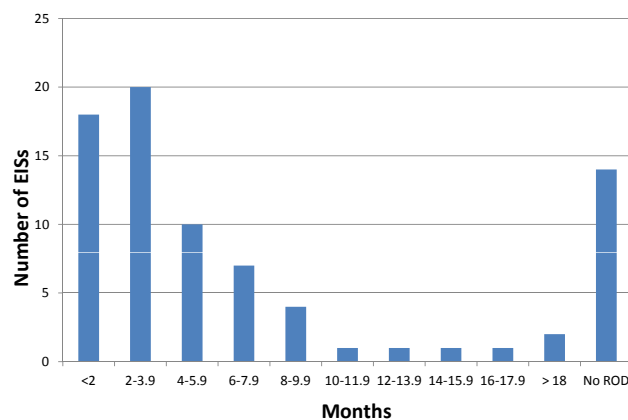


Figure 5: EIS Costs, 2003–2012

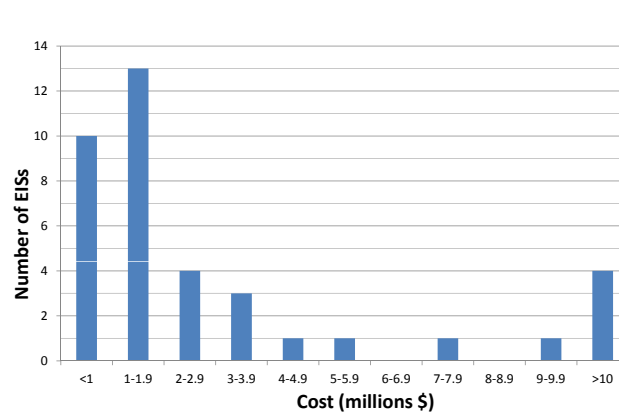


Table 1 – EIS and EA Completion Time and Cost, 2003–2012

| Document Type (#) | Completion Time (months) | | | | Cost (thousands \$) | | | |
|--------------------------------------|--------------------------|--------|---------|---------|---------------------|--------|---------|---------|
| | Average | Median | Minimum | Maximum | Average | Median | Minimum | Maximum |
| Programmatic/ Site-wide EISs (11) | 45 | 41 | 21 | 101 | 4,840 | 2,200 | 56 | 17,300 |
| Project-specific EISs (68) | 30 | 26 | 10 | 84 | 6,020 | 1,350 | 320 | 85,000 |
| All EISs (79) ¹ | 33 | 29 | 10 | 101 | 5,800 | 1,390 | 56 | 85,000 |
| All EAs (344) ² | 13 | 9 | 1.2 | 97 | 110 | 60 | 3 | 1,230 |

¹ The 79 EISs include adopted and applicant-paid documents. Completion time data reflect 66 EISs for which DOE was the lead agency. Cost data reflect contractor costs for 38 EISs for which DOE was the lead agency and that were not paid for by applicants.

² The 344 EAs include adopted and applicant-paid documents. Completion time data reflect 316 EAs for which DOE was the lead agency. Cost data reflect contractor costs for 250 EAs for which DOE was the lead agency and that were not paid for by applicants.

DOE NEPA Metrics, 2003–2012

(continued from page 5)

were \$60,000 and \$110,000, respectively; the range was \$3,000 to \$1.23 million.

While EA metrics have been generally stable over the past 10 years, the median cost and time to complete EAs decreased substantially in 2009 through 2011, even though the EA workload doubled. The improved performance is attributable to EAs for Recovery Act projects. The respective median time and cost to prepare Recovery Act EAs (6 months and \$44,000) are about 40 percent lower than corresponding metrics for non-Recovery Act EAs. (See *LLQR*, September 2011, page 1.) Metrics for post-Recovery Act EAs, however, appear to be in line with historical norms for non-Recovery Act EAs. For example, in 2012, when only 2 of 26 EAs were for Recovery Act projects, the respective median time and cost for those documents for which these metrics are applicable were 11.5 months and \$95,000.

NEPA Process Rated Effective

Measures of effectiveness remained positive for EAs and EISs completed from 2003 through 2012. During this period, about 75 percent of Lessons Learned Questionnaire respondents rated the NEPA process as “effective;” in the past 2 calendar years, 94 percent of respondents rated the NEPA process as “effective.” Respondents continue to note many examples of how the NEPA process helped to enhance or protect the environment and enable informed decisions. (See *What Worked and Didn’t Work*, page 20, and *LLQR*, March 2013, page 1.)


For further information on DOE’s NEPA metrics, contact Eric Cohen, Unit Leader, NEPA Office, at eric.cohen@hq.doe.gov. 

Figure 6: EAs Completed, 2003–2012

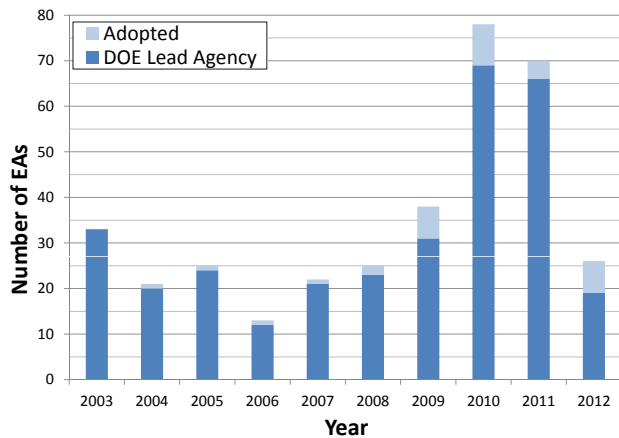


Figure 7: EA Completion Times, 2003–2012

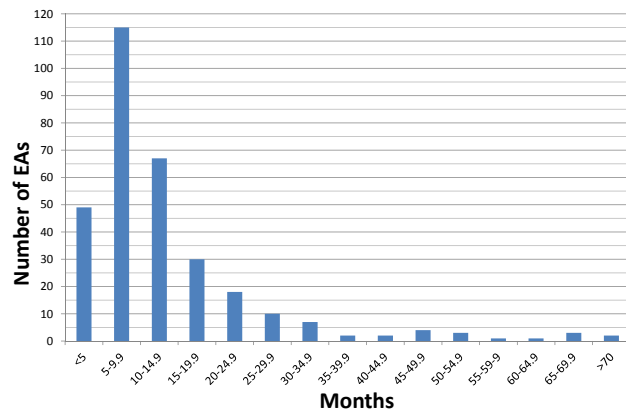
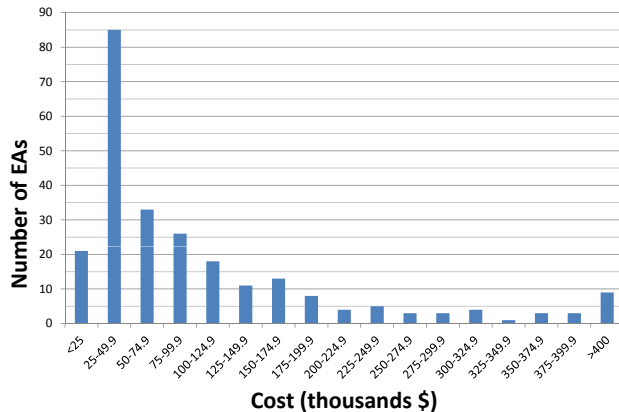


Figure 8: EA Costs, 2003–2012



Historical Perspective

(continued from page 3)

for 9 programmatic/site-wide EISs), a statistically significant improvement¹ (*LLQR*, June 1999, page 19). That improvement likely can be attributed to the policy measures.

The NEPA Office later examined a second cohort (1997 cohort) of 20 EISs started between April 1997 and March 1999. The median completion time for the 1997 cohort was 29 months, which represents a notable slippage from the 1994 cohort, though completion times remained less than those for documents prepared prior to the NEPA Policy Statement.

Since 1999, median completion times remained essentially unchanged, as indicated in the graph (page 3). Time series trends for DOE EIS completion times, such as in the graph, must be interpreted cautiously in view of the relatively few documents completed each year and the wide variation in completion times. Examining groups of EISs over long periods of time confirms the trend. *LLQR* has reported on EISs completed during long time periods, typically 10 years. For example, the median completion time for EISs completed in the most recent 10-year period, from 2003 through 2012, is 29 months.

Reasons for the slippage in median completion time from 21 to 29 months between the 1994 and 1997 cohorts, and the subsequent maintenance of about a 29-month median, are not clear. Information in *LLQR* and feedback from NEPA Compliance Officers and NEPA Document Managers in the 1990s suggest greater senior management attention was paid to EIS schedules immediately after

1994 Secretarial Policy Statement on NEPA


Emphasized the importance of:

- Senior management attention
- Teamwork
- EIS schedules
- Integrating NEPA and project planning

Streamlining measures included, among other things:

- Designation of NEPA Document Managers
- Establishing inter-office document preparation teams
- Conducting early internal scoping
- Reducing document review cycles
- Developing guidance and training

issuance of the NEPA Policy Statement than was paid to documents started later on. Similarly, management attention was identified as a key factor contributing to a notable decrease in time to complete Recovery Act EAs relative to non-Recovery Act EAs (related article, page 1; *LLQR*, September 2011, page 1).

These data show that it may be possible to reduce EIS completion times by focusing on the measures that were implemented successfully for a period of time after issuance of the 1994 NEPA Policy Statement. For further information on NEPA process metrics, contact Eric Cohen, Unit Leader, NEPA Office, at eric.cohen@hq.doe.gov. 

The most important step to reduce NEPA document preparation and review time is to actively involve senior management in the NEPA process; i.e., to obtain the decision maker's commitment and attention. Other useful measures include early planning, internal scoping, aggressive contract management, and use of a team approach.

– Questions and Answers
on the Secretarial Policy Statement on NEPA, 1994

¹ Statistical tests (modified t-test confirmed by nonparametric analysis) provide greater than 95 percent confidence that the 1994 cohort was a faster-completed population than the 15 EISs completed just before the NEPA Policy Statement was issued.

Identifying and Responding to Comments: A Critical Part of Preparing the Final EIS

One of the biggest challenges in preparing a final EIS is responding to public comments in an efficient and effective manner. DOE often receives hundreds, and sometimes thousands, of comments on draft EISs from a wide variety of individuals and organizations. Some comments simply express support for or opposition to the proposed action. Other comments raise questions about the range of alternatives or EIS analyses. Successfully managing both the volume and varied nature of public comments is an important part of preparing a final EIS and supporting better informed decisions.

The Council on Environmental Quality (CEQ) NEPA regulations (40 CFR 1503.4) require an agency to assess and consider comments both individually and collectively and to attach all substantive comments (or summaries, if exceptionally voluminous) to the final EIS. Below are some challenges that a NEPA Document Manager may encounter when managing public comments and some best practices for addressing them.

Identify Comments

Early and accurate identification of comments is important. Determining what constitutes a comment requires judgment. To understand the overall intent and perspective, it is necessary to read an entire comment document before identifying individual comments, according to DOE's guidance on *The EIS Comment-Response Process*. Comment documents must be reviewed in their entirety to help avoid two types of potential errors: (1) splitting a comment document too finely so that the commentator's broader meaning is lost, and (2) "lumping" so much into a single comment that it overlooks the commentator's distinct points.

An agency preparing a final environmental impact statement shall assess and consider comments both individually and collectively

– CEQ NEPA Regulations, 40 CFR 1503.4(a)

It may be necessary to revisit and reevaluate comments and categories during the development of responses and the final EIS, particularly if aspects of the EIS change. DOE's EIS comment-response guidance cautions that "it can be very time-consuming and difficult to redo an incompletely thought-out first attempt at identifying comments" and recommends that a small group of experienced NEPA practitioners and subject matter experts from the EIS preparation team, led by the NEPA Document Manager, develop the overall approach to identifying, tracking, and categorizing comments.

Failure to identify specific comments within a comment document can result in delays when such comments are later identified, or give rise to concerns that DOE did not adequately consider the comments. If comment documents are reproduced in the final EIS with comments identified by "side-bars," absence of a side-bar may indicate that a comment was not adequately considered.

Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA.

– CEQ NEPA Regulations, 40 CFR 1500.1(b)

Determine How To Respond

The CEQ NEPA regulations state that possible responses to comments are to:

- (1) modify alternatives including the proposed action;
- (2) develop and evaluate alternatives not previously given serious consideration by the agency;
- (3) supplement, improve, or modify the analyses;
- (4) make factual corrections; or
- (5) explain why the comments do not warrant further agency response (40 CFR 1503.4).

CEQ's "40 Questions" says "in addition, the agency must state what its response was, and if . . . no substantive response . . . is necessary, it must explain briefly why" (Question 29a). DOE's EIS comment-response guidance explains that, among other things, a well-written response "[s]ummarizes revisions to the EIS that resulted from the comment and specifically identifies modified sections of the EIS."

When To Respond Individually

Responding to comments individually (i.e., responding to each specific comment, rather than binning similar comments into topic summaries and responding collectively) is a good way to ensure that each comment is responded to. In addition, it makes it easy for commentators to find the response to their particular comments.

To avoid repeating responses many times or extensive cross-referencing to the same responses, consider responding to comments individually when DOE receives a small number of comments or the comments generally are on different topics. If DOE decides to respond individually to comments outside of those circumstances, keep in mind that it may make changing responses

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Responding to Comments

(continued from page 8)

difficult, as one change to a response would have “ripple effects” to many (sometimes hundreds) other similar responses.

When To Use Summary Comments

Summarizing and responding to comments collectively can be an efficient method of responding. Well-developed “summary” responses that have been coordinated with technical and policy experts can streamline the overall comment response process. This method facilitates consistency and helps readers find comments and responses by topics. When preparing a summary comment and then responding to it, reference all comment documents and comments on which the summary is based, recommends DOE’s EIS comment-response guidance. Under this approach, the guidance cautions that great care must be taken so that the summary comment matches the substance and tone of all comments covered.

CEQ recommends summaries of comments and responses if comments are especially voluminous (*Forty Most Asked Questions*, Question 25A). Similarly, DOE’s guidance suggests that repeated similar comments may “reflect broad interest in the topic and may indicate controversy or misunderstanding on the part of commentors.” Such a scenario may point to the need to provide a summary comment and consolidated response, advises the guidance.


A Hybrid Approach

Consider a hybrid approach that involves developing a subsection containing the key/primary comments and responses (e.g., “topics of interest”), particularly for those presenting major themes, at the beginning of an EIS’s comment-response section (before responses to individual comments). (See Attachment 3 of the DOE guidance for a notable example.) Text from the up-front summary response can be used in responding to individual comments. It is important to do so carefully (i.e., it’s more than a “cut-and-paste” exercise) to ensure responsiveness

to individual comments. Alternatively, instead of simply repeating the summary response text, individual comment responses could refer back (cross-reference) to the summary comment, providing new text only as needed to respond to any nuances or unique specific points in the individual comment.

Recently, the State Department received 1.2 million public comments on its Draft Keystone XL Supplemental EIS. In 2008, DOE’s Complex Transformation Draft Supplemental Programmatic EIS garnered more than 100,000 commentors that included 81,000 campaign comments. (See *LLQR*, June 2008, page 17.) To effectively organize the volume of comments and aid location of individual comments, DOE’s guidance recommends use of a “Location Guide” that aids readers in finding their individual comments and DOE’s responses. (See Attachment 3 of the guidance.) DOE’s guidance also recommends use of an index – an alphabetized list of commentors’ names or comment topics with information on where to find the comment document and DOE responses to the comment(s) therein.

Regarding public hearing comments, which are typically presented orally before a court reporter, DOE’s comment-response guidance advises that oral and written comments should be treated equally and cautions against double counting comments (as oral comments are often submitted in writing subsequent to or at the public hearing). DOE’s guidance recommends preparation of a transcript from each public hearing to provide an accurate and complete record of what was said.

Ultimately, NEPA Document Managers should tailor their approach to fit the individual circumstances presented by their EISs, “taking into account the complexity of the issues presented and the number of comments received,” advises DOE’s EIS comment-response guidance. For additional information, see DOE’s [comment-response guidance](#) on the DOE NEPA Website. 

An agency’s focus in preparing the final EIS [runs from the] receipt and consideration of comments through the preparation of responses and any eeded revisions to the EIS. . . . The comment-response process helps DOE make better-informed decisions

– DOE EIS Comment-Response Process Guidance

One-Stop Search for NEPA Topics

DOE's NEPA Requirements and Guidance – Search Index



Have you ever needed to quickly find out what NEPA regulations and guidance have to say about a particular topic? It can be challenging to sift through a shelf of dog-eared documents and dozens of online files in search of an answer. The Office of NEPA Policy and Compliance has developed a tool that makes the task much easier.


DOE's [NEPA Requirements and Guidance – Search Index](#) includes more than 100 NEPA requirements and guidance documents from DOE, the Council on Environmental Quality (CEQ), and the U.S. Environmental Protection Agency (EPA). *Forty Most Asked Questions Concerning CEQ's NEPA Regulations* and DOE's *Recommendations for the Preparation of EAs and EISs* are included, as well as Executive Orders, a variety of guidance memos from CEQ and DOE on specific topics, and EPA guidance for its review of EISs. Just enter a search term once to get a list of links to every occurrence of the term in all the documents. Because the complete text of the collection is pre-indexed, search results are fast.

“This tool should help novice and experienced NEPA practitioners alike, as well as members of the public, quickly search for relevant information on NEPA topics without having to first know which document to look in,” explained John Jediny, NEPA Office, who compiled the documents.

How It Works

It's simple to set up the search tool to work from your computer or from a storage device such as a shared hard drive or a flash drive. You will need Adobe Acrobat Reader and about 60 MB of disk space.

- Download the [search index](#) (.zip format) from the DOE NEPA Website and extract the individual files (in Windows, right click then select “Extract all” to put all the files into a new folder).
- In the newly created folder, double click “Search – NEPA Requirements and Guidance.pdx.”
- Type your search term in the box under “What word or phrase would you like to search for?” and click the “Search” button.
- Click any entry from the results to open that document with your search term highlighted.


Illustrated instructions are available on the DOE NEPA Website. The NEPA Office will update the search index as new or revised requirements or guidance are issued. Please direct any questions or suggestions for improvements to Mr. Jediny at john.jediny@hq.doe.gov. 

NAEP Abstracts and Award Nominations Due This Month

The National Association of Environmental Professionals (NAEP) invites abstracts for its 2014 conference, whose theme is *Changing Tides & Shifting Sands*. The conference, scheduled for April 7–10 in St. Petersburg, Florida, will offer presentations and panel discussions organized into four tracks: NEPA, ecology, remediation, and water quality. NAEP will also offer three training classes – Best Practice Principles for EAs, Coastal Landscape Visualization, and Threatened and Endangered Species – on April 7.

Presentation abstracts should be [submitted online](#) by September 30, 2013. Conference [registration](#) is open to environmental professionals in all levels of government,

academia, and the private sector. Early registration rates are available, and discounts are offered to speakers and government employees.

NAEP has extended the deadline for its Environmental Excellence Award nominations to September 13. The awards, which will be presented at the 2014 conference, recognize outstanding NEPA achievements and exceptional performance in environmental management, stewardship, education, and other categories. The nominator and nominee need not be members of NAEP, and nominations may include projects or programs recognized by others. The nomination form is available on the [NAEP website](#). 



NEPA Document Manager As Contracting Officer's Representative: It Makes Good Sense

When relying on contractor support to help prepare NEPA documents, effective technical direction of the contractor is essential to success. Without proper technical direction, a contractor is unlikely to provide the desired high-quality deliverable, on time and within budget. Thus, it makes good sense to consider having the DOE NEPA Document Manager serve as the contracting officer's representative (COR).

If [an EIS] is prepared by contract, the responsible federal official shall furnish guidance and participate in the preparation and shall independently evaluate the statement prior to its approval and take responsibility for its scope and contents.

– 40 CFR 1506.5(c)

Under the Federal Acquisition Regulations (FAR 1.602-2(d)), the contracting officer (CO), at his/her discretion, may appoint someone to represent him/her to serve as the CO's "eyes and ears" during contract performance. The Contracting Officer's Representative (COR) appointment memorandum typically authorizes the COR to provide technical direction to the contractor, evaluate deliverables, and serve as a liaison between the requiring office (e.g., office preparing the NEPA document), the CO, and the contractor. The COR may not take any actions as the CO's representative beyond what is delegated to him/her in the COR appointment memorandum.

The DOE NEPA Document Manager's responsibilities with respect to contractors closely match those of the

COR. The most logical candidate for COR, therefore, is usually the NEPA Document Manager. If that is not possible, then the NEPA Document Manager must maintain a close working relationship with the COR. This is necessary, among other reasons, to ensure that the technical direction provided by the COR to the contractor is accurate and timely. Per FAR 1.602-2(d)(2), the COR's duties are not redelegable.

The NEPA Document Manager is responsible for coordination of all the organizations that contribute to preparation of an EIS. For most EISs, the support contractor is a critical element of the process. Therefore, it only makes sense that the document manager is in a position to directly oversee the support contractor – as COR.

– Drew Grainger, NEPA Compliance Officer
Savannah River Operations Office

COR Requirements

Amendments to the Office of Federal Procurement Policy Act established the Federal Acquisition Certification for Contracting Officer's Representatives (FAC-COR), requiring CORs across the government to meet specific training and experience standards corresponding to three levels of increasing contract risk and complexity. Requirements are the same for all parts of DOE, including the National Nuclear Security Administration (NNSA). A candidate COR must be a federal employee and

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Responsibilities Related to Contractor Support

Contracting Officer's Representative

- Be familiar with contract requirements
- Provide technical direction
- Inspect and accept deliverables
- Recommend contract changes to the contracting officer
- Monitor and evaluate contractor performance
- Review and approve invoices
- Keep records of matters dealing with contract performance
- Fulfill any other duties set forth in the COR appointment memorandum

NEPA Document Manager

- Maintain tracking systems to monitor costs of and adherence to the NEPA schedule
- Manage the document preparation process, including reviewing internal drafts for technical adequacy, controlling cost, and maintaining schedule
- Evaluate any support contractor's performance for timeliness, quality, cost-effectiveness, responsiveness, and application of requirements and guidance. (If the NEPA Document Manager is not the COR, then the document manager should provide information to the COR, who is responsible for monitoring and evaluating the contractor's performance.)

Eating the NEPA Elephant

By: Cliff Whyte, Director, Environmental Compliance Division
National Energy Technology Laboratory

Managing the NEPA process can be a daunting task. Large EISs can seem particularly ominous, especially when they involve controversial or high profile activities. How can I facilitate a process that requires balancing schedule, data needs, cost, public input, project revisions, meaningful analyses, tribal interests, management reviews, needs of other federal agencies, local politics, applicant constraints, and a host of other factors? NEPA Document Managers can feel like they are trying to eat the proverbial elephant.

Challenging times are great teachers, and when the dust begins to settle, we have a chance to examine the “chutes and ladders” of the NEPA process. Besides, in the words of Henry Drummond, “Unless a man undertakes more than he possibly can do, he will never do all that he can.” The National Energy Technology Laboratory (NETL) has been concurrently managing four EISs that came to critical stages during the first half of 2013. The NEPA reviews for these clean coal projects, in addition to the continuing EA and categorical exclusion work, affectionately became known at NETL as “NEPA-geddon.”

NETL’s Environmental Compliance Division managed to eat this elephant by taking one bite at a time. We found that some bites required more chewing than others and some bites required copious amounts of seasoning to be palatable at all. Survival during this time was largely tied to the appropriate mindset.

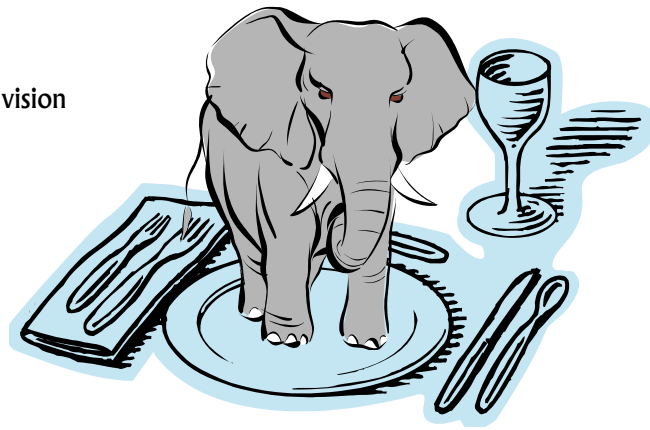
We don’t get paid to produce documents. We get paid to think, communicate, and act. You might want to read the previous two sentences again.

– Cliff Whyte

As NEPA practitioners know, NEPA is not a checklist, stack of documents, or recipe in a cookbook. Each project and the people associated with it are unique. Finding the most efficient path that leads to fair and reasonable implementation of both the letter and spirit of the law requires thought and creativity. That mindset, above all else, has been a great asset for NETL during NEPA-geddon.

Following are some thoughts that relate to managing the NEPA process.

Federal Project Managers – Meet your new best friends. Federal Project Managers are experts on the technologies and programs at the core of the project. Have them explain the technologies to you early and often, or provide someone who can. The better you understand their work, the more effective you can be. Also, when you explain the NEPA process and they begin to hyperventilate, please let



them know that you are the NEPA expert and you don’t expect them to become one.

NEPA Contractors – We are going fast, but where are we going? Even the best NEPA contractor can’t be effective without clear direction. Be realistic and honest about the challenges. Resist the urge to micromanage and let their expertise work for you. While it is critical to stay informed and in touch, you don’t want them spending 50 percent of their time preparing for status phone calls with you. Contractors with DOE NEPA experience generally know the game well. We all have pet peeves and preferences. Don’t be afraid to express what yours are early on. Adjust the frequency of meetings and conference calls as the project evolves. If meetings are not productive, it is your job to figure out why and correct it.

Today’s Project – The same as tomorrow’s project . . . we hope. Be certain to explain early in the process how design changes will impact the NEPA schedule. You should repeat this often and use examples to make your point. Participants may not consider potential issues like the need for seasonal field work for cultural resources, endangered species, or critical habitat when they change the footprint of the project. They need to make informed decisions the same way we do. They must understand what kinds of project changes would likely cause the NEPA Document Manager to reach for a glycerin pill.

Public Meetings – Faces and names. Make an effort to speak with everyone who attends. Remember that you are the host and try to personally greet and introduce yourself as people arrive. Spend the most time with those who are opposed to the project and listen. Introduce them to the project experts who would best be able to answer their particular questions. You certainly won’t make everyone happy, but many people will appreciate your investment of time in their thoughts and concerns.

Critical Resources – My time is important, too. In most cases, there will be a handful of resource areas that are most likely to be controversial, high profile, or sensitive. Identify those and write them on the front of your notebook or file. While you must be sure all relevant

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Eating the NEPA Elephant

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resources are addressed, you should maintain focus on what is most important. Resist the temptation to spend the most time on the topics that interest you. We tend to manage what we know. Invest time in what is most important to the success of the NEPA process. If you need subject matter expertise, it is generally close at hand. Ask for help when you need it!

Reviewing the Reviewers – Focus each reviewer on what your expectation is for them. Too often we tend to throw a document on someone’s desk and say, “I need your comments by the end of the week.” Instead, spend a few minutes talking about what you are looking for in their review. For instance, you might tell the Federal Project Manager that you want them to critically review the proposed action and affected environment. While you will take any comments they can give you, they should focus on certain critical chapters or sections. Likewise, you may ask other reviewers to focus on format and readability. Your administrative assistant may not be able to point out errors in the integrated gasification combined cycle power plant description, but they can likely tell you very quickly that you have used six different verb tenses in the first paragraph, or that the text is too heavy in technical jargon to make any sense.

Comments About Comments – Not all comments should be treated as the Dead Sea Scrolls. Read all comments and spend some time considering them. Ask questions of the source, if necessary. Comments such as “this needs more” are not generally helpful. Ask reviewers to make edits in “track changes” in the document, but to keep a separate page of general thoughts. For instance, a grammatical change can quickly be made in the document via track changes. A separate comment might be that the Summary



Cliff Whyte speaks at the FutureGen 2.0 draft EIS hearing in Jacksonville, Illinois. FutureGen 2.0 was one of the major NEPA projects that Mr. Whyte and the team at NETL managed in bite-size chunks. Photo courtesy of FutureGen Industrial Alliance.

doesn’t provide enough detail about why certain impacts are significant. This facilitates quick basic editing and the ability to provide separate comments to the appropriate sources without them getting lost in a sea of other comments. Some comments and suggestions are not worth pursuing. Mindlessly accepting everyone else’s revisions might create more problems than it solves. Consider the source’s area of expertise and remember that your name is on this document when it gets published.

Schedules – Here is a schedule for the schedule. In some cases, it may be appropriate to consider incremental NEPA schedules. It is impossible to predict the nature and volume of the comments you are going to receive during scoping and during the draft process. As you must consider those in the next phase of the NEPA process, you may hesitate to give firm dates for milestones too far in advance. When you do project schedules, be realistic. Consider the variables and be reasonable. Projecting two weeks for someone to review an EIS may be aggressive. If those two weeks coincide with Christmas and New Year’s Day, you will not be getting many “Happy Holidays” from reviewers. Caveat your schedules to reflect variables such as anticipated public comments and the controversial nature of some projects. Schedules can and will change, but set the bar of expectations appropriately from the beginning and be flexible.

Manage the People and the Project Will Follow – While we must plan our work and then work our plan, we must also realize that our NEPA process is the culmination of the work of many people. Much of it is out of our control. That means success is tied to interaction with others. Focus on the people. Provide advanced notice whenever you can and do so via the telephone. A phone call holds more value than a global email. Keep communications professional, brief, and direct. Be certain you value the time of others. Promptly return phone calls and let people know when you are going to be out of the office.

In summary, it is our ability to think, communicate, and act that has the most significant impact on the NEPA process (pun intended). Every project is different and we need to accept that to be successful. The most effective tool we have is the grey matter between our ears. Speaking thereof, I should wrap this up as I’m sure you need to attend to your own elephant. **Bon appétit!** 🍴

Editor’s note: The NEPA Office thanks Cliff for his practical and humorous advice, as well as for the hard work he and others at NETL do to implement a successful NEPA program. NETL’s NEPA workload, which increased significantly as it provided support for several major Recovery Act projects, has remained high during the concurrent preparation of four EISs for clean coal technology projects, including a draft EIS for the proposed FutureGen 2.0 project. The Environmental Protection Agency (EPA) gave that draft EIS an LO (Lack of Objections) rating, something fewer than 20 percent of EISs receive. (See the table of EPA ratings on page 18.)

ARPA-E Conducts Web-based Public Scoping Meeting

To enhance the public scoping process for the Engineered High Energy Crop (EHEC) Programs Programmatic Environmental Impact Statement (PEIS), the Advanced Research Projects Agency-Energy (ARPA-E) recently conducted a web-based public scoping meeting. Although DOE has transmitted video and audio feeds of public meetings in the past, ARPA-E's web-based meeting was the first that DOE conducted for an EIS in which people unable to attend in-person meetings could actively participate. This experience demonstrated an emerging way to foster public participation in the NEPA process.

"Web-based meetings offer a cost-effective way to supplement in-person meetings or hearings for NEPA reviews, especially for those projects with regional or national scope such as this one," said Jeff Dorman, Office of NEPA Policy and Compliance (currently on detail to ARPA-E). The web-based meeting held on July 17 supplemented three in-person scoping meetings that ARPA-E had conducted in Kentucky, Mississippi, and North Carolina over a 3-day period in July. This web-based meeting enabled ARPA-E to reach out to interested parties throughout the southeastern U.S., the region where the actions analyzed in the PEIS would occur, as well as to others nationwide.

Notice and Registration

ARPA-E announced the web-based meeting in the Notice of Intent and on the [PEIS website](#). Information about the meeting was also posted on the DOE NEPA Website [Public Comment Opportunities](#) page. These announcements provided instructions and encouraged people to register in advance. Twenty-three people registered for the meeting. Sixteen logged in, and three of them provided comments during the meeting.

From the PEIS website, participants could register for the web-based meeting at any time by providing a name and an email address. The registration screen provided options for participants to indicate their affiliation and if they wished to provide comments or just listen to the presentation and other participants. Those wishing to comment were advised that the webinar software would be used to record the meeting; participants that did not consent to being recorded were advised to discuss any concerns with the host (no such concerns were raised).

After registering, people received a prompt email confirmation with a meeting link and password; no registration identification was required. On the day of the meeting, another email was sent at approximately noon to remind participants of the meeting start time (3:00 p.m.)

that included log-in instructions. For those using Microsoft Outlook, a calendar invitation was sent and participants received a reminder 15 minutes before the meeting.

Meeting Logistics

Participants were advised to log-in to the meeting about 10 minutes early to avoid missing any of the discussion. This enabled adequate time for people first accessing the meeting webpage to enter their password and enable a plug-in to allow the webinar software to run on their computers. "For future meetings, telling people about the potential need to enable a plug-in may be advisable," said Mr. Dorman. Once connected, the desktop view of one of the meeting's hosts was displayed in a window along with an audio broadcast.

The meeting started promptly at 3:00 p.m. with Mr. Dorman, the meeting facilitator, greeting participants via the audio broadcast. The facilitator explained meeting logistics with the initial slide, including that participants would be muted throughout a presentation about the PEIS by Dr. Jonathan Burbaum, the ARPA-E Program Director for the Plants Engineered to Replace Oil (PETRO) Program and NEPA Document Manager for the EHEC Programs PEIS.

ARPA-E staff could view the names of meeting participants, but to ensure privacy, the participants could only see the names of the panel members and their own name. Participants could ask questions or chat with the host privately through a dialog box. The audio and visual aspects of the meeting ran separately, and participants could run one without the other. ARPA-E displayed slides visually, but chose not to display live video of DOE staff or the participant speakers.


Following the initial DOE presentation, the public comment portion of the meeting began with a reminder of comment options: participants could comment verbally during the meeting, or in writing via email, postal mail (addresses were shown on the screen), or an online comment form on the PEIS website. After reminding participants that personally identifiable information will become part of the administrative record and could be made public, the facilitator called on speakers in the order that they had registered. After being called, speakers were instructed to click the "raise your hand" icon when they were ready to speak; the facilitator would then un-mute the speaker so that all participants could hear the phoned-in comments. Participants who had not pre-registered, but decided to speak during the meeting, could do so by clicking a "request phone" icon, and some participants

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ARPA-E Web-based Scoping Meeting

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chose to do so. The technology worked well with only a minor issue for the first speaker, who needed assistance to be un-muted, observed Mr. Dorman. After the meeting concluded at 5:00 p.m., participants received an email thanking them for their input and participation.

ARPA-E expects to use this method again for the draft PEIS hearings. Requests for further information about the web-based meeting technology may be directed to jeffrey.dorman@hq.doe.gov. For further information about the EHEC PEIS, visit the [PEIS website](#). 

ARPA-E's Engineered High Energy Crop Programs Programmatic EIS

DOE's proposed action is to implement one or more programs to catalyze the development and demonstration of engineered high-energy crops (EHECs). EHECs are agriculturally-viable photosynthetic species containing genetic material that has been intentionally introduced through processes that do not occur in nature without human intervention. The proposed programs aim to deploy EHECs that produce more energy per acre and produce fuel molecules that require little or no processing prior to being introduced into existing energy infrastructure (e.g., refineries, pipelines, and vehicles), thus enabling agriculturally-derived fuels that are cost-competitive with petroleum-based fuels. These programs would meet ARPA-E's mission to explore market-transforming technologies as part of DOE's mission to promote U.S. energy security.

A main component of the programs would be to provide financial assistance to funding recipients (such as research institutions, independent contract growers, or commercial entities) for confined field trials. Field trials would be conducted at a range of scales only after obtaining regulatory permits that identify procedures to prevent the unintentional spread and establishment of the crop. Examples of EHECs that may be used in confined field trials include, but are not limited to, crops being investigated under ARPA-E's Plants Engineered to Replace Oil (PETRO) program, such as engineered varieties of camelina, loblolly pine, tobacco, giant cane, sugarcane, miscanthus, sorghum, and switchgrass. The proposed geographic scope of the PEIS is the southeastern United States—Alabama, Florida (excluding the Everglades/Southern Florida coastal plain ecoregion), Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

Geographic Scope

- Southeastern United States to include: Alabama, Florida (excluding the Everglades/Southern Florida coastal plain ecoregion), Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia
 - Ideal climate and agricultural conditions to cultivate EHECs
- DOE is proposing to use the EPA's Level II ecoregions to assess common and different potential impacts of the Proposed Action



A Summer with NEPA

The Office of NEPA Policy and Compliance was fortunate to have three outstanding interns assisting the staff this summer. We asked them to share their thoughts on their pathways to joining us this summer, their experiences in the NEPA Office, and their future plans.

Kathryn Gallagher, a rising junior at the University of Michigan, is majoring in Earth and Environmental Sciences.

From elementary school to college, the frequently-asked question is, “What do you want to do when you grow up?” My response always was, and remains, “Work for the environment.” I was one of those kids who loved animals and tried to conserve natural resources. My passion has only grown since then. I know my area of interest, but the hard part is finding out how to get there and what path to take.

By studying environmental science and assisting a professor in a geomicrobiology laboratory at the University of Michigan, I developed skills needed to pursue an environmental career and got a taste of the variety of jobs in academic research. A logical next step was to learn about protecting the environment from a different point of view through policy and regulation.

My first day on the job at the NEPA Office was an introduction to a whole new world.

– Kathryn Gallagher

I took an early commute from Virginia to work, was herded out of the Metro with other professionals all dressed in business clothes, was welcomed into the office and given a run-through of NEPA, and began reading a large stack of NEPA regulations and guidance.

I continued to learn throughout my time here, becoming familiar with important environmental policies as I gained experience. My projects included summarizing land transfer EAs and EISs to assist with future proposals, extracting comment summary descriptions from DOE EISs to help analyze trends in public comments, researching how environmental justice is addressed in NEPA documents, and reviewing guidance for writing DOE-specific notices in the *Federal Register*.

While working on an assignment to help prepare the 2013 NEPA Stakeholders Directory (related article, page 17), I got to interact with people working on environmental policy in so many different capacities: federal agencies, the military, state governments, and nongovernmental organizations. I had not realized that there were so many different options for careers in the environment. It was refreshing to see the sheer numbers of organizations that devoted time and personnel to comply with environmental regulations or campaign for further improvements.



Wesley Lien (left), Taylor Jones, and Kathryn Gallagher assisted the NEPA Office while learning firsthand about the Department’s NEPA compliance program and the role of NEPA in decisionmaking.

I am grateful for this opportunity and would like to thank all of my supervisors for their guidance and for continuing my education. This internship provided a good glimpse into a career with the federal government in environmental policy and into the day-to-day work that environmental professionals perform. And while I cannot say that I have a definite answer to which career path I will choose, interning at DOE has given me a much clearer picture.

Taylor Jones, a rising junior at the University of Florida, is majoring in Environmental Science.

As an environmental science major with an interest in policy and law, I have been seeking experiences to complement my education. Last summer, while interning for the Florida Governor’s office, I researched the economic feasibility of new-generation commercial nuclear development and its possible place in Florida’s energy market. That experience prompted me to apply for an internship with DOE.

I learned more about environmental policy during my summer with the NEPA office than I ever have in a classroom.

– Taylor Jones

The best aspect of my internship was the variety of tasks and topics on which I worked. My favorite projects included reviewing past NEPA decision documents for geothermal exploration projects to assess the potential for a new categorical exclusion and evaluating how

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A Summer with NEPA

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environmental justice concerns are addressed across DOE's various program offices. Reviewing the comment and response section of a preliminary final EIS for disposal of Greater-Than-Class C low-level radioactive waste revealed to me how much work goes into thoughtfully responding to each individual comment.

I was also able to attend interagency meetings where I got to see exciting new IT solutions in the works for improving government efficiency and increasing communication among agencies and with the private sector. As part of the NEPA IT working group's effort, I added pages to the Council on Environmental Quality page on MAX.gov that detail open-source software and GIS data layers available to the public to assist with the NEPA process.

Federal environmental regulation is expansive, and the fields in which regulators work are diverse. I would like to thank everyone who made this summer internship possible; I will carry the lessons I learned here, always.

Wesley Lien, a rising senior at Northwestern University, is studying Environmental Chemistry, Environmental Policy, and Economics.

As soon as I decided to pursue a career in energy and sustainability, I knew that I wanted to explore opportunities at DOE. The internship at the NEPA Office gave me the perfect opportunity to observe the workings of both the NEPA process and a federal agency.


My duties consisted largely of reviewing draft NEPA documents. My first project involved a supplemental EIS for a proposed elemental mercury storage facility. I quickly learned that thoroughness is absolutely critical in preparing EISs. Atmospheric emissions, groundwater pollution, radiation, potential accidents, loss of human

life, and environmental justice are all factors that have to be accounted for when analyzing the potential impacts of projects. Furthermore, I realized the importance of public involvement in the NEPA process. In almost all cases, comments from citizens and nongovernmental organizations result in improvements to NEPA documents.

Another task I was assigned was compiling metrics and designing presentations for DOE NEPA documents prepared within the last 5 years. I noticed that while a few trends were apparent in the data, the documents varied in preparation time and cost on a case-by-case basis. Each project that DOE analyzes is unique and provides a different set of challenges to our personnel. This is what makes the job interesting.

NEPA serves to demonstrate that the federal government practices what it preaches.

– Wesley Lien

Perhaps the greatest lesson I've taken away from my summer here at DOE is the importance of the NEPA process. Many people assume that the government carelessly stifles the private sector with strict environmental regulations. However, through the NEPA process I have observed how the government holds itself to the same environmental standards. NEPA is a necessary step to ensure that the government is complying with federal environmental legislation. For this reason, I have come to value the work that the Office of NEPA Policy and Compliance conducts on a day-to-day basis. 


The NEPA Office appreciates the hard work of these talented summer interns. We wish them all the best in their remaining studies and future careers.

NEPA Office Issues 2013 Stakeholders Directory

If you are planning to distribute an EA or EIS, or initiate other NEPA public involvement and consultation activities, the Office of NEPA Policy and Compliance encourages you to consult the *Directory of Potential Stakeholders for DOE Actions under NEPA*. The NEPA Office issued the 30th edition of the directory on July 31. It includes current information for points of contact in federal agencies, states and state government associations, and many nongovernmental organizations, as well as lists of DOE tribal points of contact and reading rooms.

Two organizations are new to this year's directory: the Department of Defense [Siting Clearinghouse](#) and the [Canadian Electricity Association](#). The Clearinghouse

seeks to facilitate early identification of potential conflicts between locations of proposed projects and military operations (*LLQR*, [December 2011](#), page 15). The Association was added because of its potential interest in cross-border electricity transmission proposals.

Approximately 40 percent of the organizations changed their contact information, more than in any past year. The NEPA Office updates the directory throughout the year, as new contact information is received, and issues a major update annually in July. The current version is posted on the [DOE NEPA Website](#). Send updates and questions to askNEPA@hq.doe.gov. 

EAs and EISs Completed: April 1 to June 30, 2013

EAs¹

Bonneville Power Administration

[DOE/EA-1901](#) (5/15/13)

Kootenai River White Sturgeon and Burbot Hatcheries Project, Boundary County, Idaho
EA was prepared in-house; therefore, cost data are not applicable to DOE metrics.

Time: 20 months

Office of Energy Efficiency and Renewable Energy

[DOE/EA-1918](#) (6/28/13)

Final Rule, 10 CFR 433, Energy Efficiency Standards for New Federal Commercial and Multi-Family High-Rise Residential Buildings

Cost: \$28,000

Time: 14 months

Golden Field Office/Office of Energy Efficiency and Renewable Energy

[DOE/EA-1922](#) (5/6/13)

Combined Power and Biomass Heating System, Fort Yukon, Alaska

Cost was paid by applicant; therefore, cost data are not applicable to DOE metrics.

Time: 14 months

Kansas City Field Office/ National Nuclear Security Administration

[DOE/EA-1947](#) (5/1/13)

Transfer of the Kansas City Plant, Kansas City, Missouri

Cost: \$1,790,000²

Time: 5 months

National Energy Technology Laboratory/Office of Energy Efficiency and Renewable Energy

[DOE/EA-1939](#) (4/25/13)

Center for Commercialization of Electric Technology (CCET), Reese Technology Center (RTC) Wind and Battery Integration Project, Lubbock County, Texas

Cost: \$18,000

Time: 8 months

National Energy Technology Laboratory/ Office of Fossil Energy

[DOE/EA-1886](#) (4/19/13)

Big Sky Regional Carbon Sequestration Partnership – Phase III: Kevin Dome Carbon Storage Project, Toole County, Montana

Cost: \$95,000

Time: 23 months

Oak Ridge Office/ Office of Environmental Management

[DOE/EA-1964](#) (5/29/13)

National Ecological Observation Network (NEON), Oak Ridge, Tennessee

EA was adopted; therefore, cost and time data are not applicable to DOE metrics. [The National Science Foundation was the lead agency.]

EISs

Western Area Power Administration

[DOE/EIS-0400](#) (78 FR 40474, 7/5/13)

(Draft EIS EPA Rating: LO)

Granby Pumping Plant Switchyard-Windy Gap Substation Transmission Line Rebuild Project, Grand County, Colorado

[Note: This EIS was inadvertently omitted from EPA's Notice of Availability published in the *Federal Register* on 6/28/13.]

Cost: \$670,000

Time: 71 months

[DOE/EIS-0413](#) (78 FR 28842, 5/16/13)

(Draft EIS EPA Rating: EC-2)

Searchlight Wind Energy Project, Searchlight, Nevada

EIS was adopted; therefore, cost and time data are not applicable to DOE metrics. [Bureau of Land Management was the lead agency; DOE was a cooperating agency.]

ENVIRONMENTAL PROTECTION AGENCY (EPA) RATING DEFINITIONS

Environmental Impact of the Action

LO – Lack of Objections

EC – Environmental Concerns

EO – Environmental Objections

EU – Environmentally Unsatisfactory

Adequacy of the EIS

Category 1 – Adequate

Category 2 – Insufficient Information

Category 3 – Inadequate

(For a full explanation of these definitions, see the EPA website at www.epa.gov/compliance/nepa/comments/ratings.html.)

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

² On 11/30/12, DOE/NNSA issued a notice cancelling the EIS originally proposed and stating its intent to prepare an EA instead.

NEPA Document Cost and Time Facts¹

EA Cost and Completion Times

- For this quarter, the median cost for the preparation of 4 EAs for which cost data were applicable was \$62,000; the average was \$483,000.
- Cumulatively, for the 12 months that ended June 30, 2013, the median cost for the preparation of 12 EAs for which cost data were applicable was \$94,000; the average was \$298,000.
- For this quarter, the median and average completion times for 6 EAs for which time data were applicable were 14 months.
- Cumulatively, for the 12 months that ended June 30, 2013, the median completion time for 17 EAs for which time data were applicable was 12 months; the average was 13 months.

EIS Cost and Completion Times

- For this quarter, the cost for 1 EIS for which cost data were applicable was \$670,000.
- Cumulatively, for the 12 months that ended June 30, 2013, the median cost for the preparation of 3 EISs for which cost data were applicable was \$8,000,000; the average was \$31,220,000.
- For this quarter, the completion time for 1 EIS for which time data were applicable was 71 months.
- Cumulatively, for the 12 months that ended June 30, 2013, the median completion time for 6 EISs for which time data were applicable was 47 months; the average was 50 months.


NEPA Document Manager as COR

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a technical or subject matter expert. All COR candidates must be registered in the [Federal Acquisition Institute Training Application System](#) (FAITAS) and have their supervisor's recommendation.

The CO determines the required FAC-COR level based on contract risk and complexity. For level I, no experience is required, but the candidate must complete 8 hours of COR training within 2 years prior to applying. For level II, the COR must have at least 1 year of relevant experience (e.g., as a level I COR, or writing statements of work, developing quality assurance plans, assisting a CO or COR as a subject matter expert, or participating as a subject matter expert on a technical evaluation team), and must complete 40 hours of COR training within 2 years prior to applying. At least 2 years of relevant experience and 60 hours of COR training are required for level III. FAC-COR certification is effective for 2 years, during which time CORs are required to complete refresher training to qualify for renewal.

Certification requirements, training options, and application forms are published on DOE's [Acquisition Workforce Information](#) website, and Powerpedia includes a page to assist CORs in preparing applications for FAC-COR. For further information, contact Lorri Wilkins, Program Manager for COR Certification, at 202-287-1668 or lorri.wilkins@hq.doe.gov or your Site Acquisition Career Manager (SACM). Powerpedia includes a [list of SACMs](#).

NNSA employees should contact Sandra Linhares, NNSA COR Program Manager, Contracts and Procurement Division, at 505-845-4461 or sandra.linhares@nnsa.doe.gov. NNSA maintains a [COR resources website](#) that contains the certification requirements, training options, and application forms. 

¹ For EAs, completion time is measured from EA determination to final EA issuance; for EISs, completion time is measured from the Federal Register notice of intent to the EPA notice of availability of the final EIS.

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

- *Standard procedures.* No problems were encountered while following standard EA scoping procedures.

Data Collection/Analysis

What Worked

- *Analysis of impacts to cultural resources.* An analysis was done to understand why cultural resources were inadvertently disturbed. The results allowed DOE and tribal representatives to develop an appropriate path forward.

Schedule

Factors that Facilitated Timely Completion of Documents

- *Regular communication.* Maintaining regular communication with appropriate federal and state agencies facilitated timely completion of the EA.
- *Expeditious reviews.* Expeditious reviews of the EA facilitated timely completion of the EA.

Factors that Inhibited Timely Completion of Documents

- *Additional time required for consultation.* Additional time, not anticipated in the original schedule, was required to address consultation and resolution of comments submitted by the state wildlife office.
- *Public controversy.* Several additional studies were required to address issues of public controversy not previously anticipated.
- *Disagreement among key players.* Disagreements among federal agencies over certain authorities related to the project inhibited timely completion of the EIS.

- *Uncooperative cooperating agency.* A cooperating agency seemed more interested in making unsupported assertions than in providing their expertise and assisting the process by providing factual information.
- *Change in NEPA strategy.* Documentation for this project started as an EA, but was changed to an EIS after EA scoping indicated that it was better suited for an EIS-level of analysis, based on controversy and concern over visual impacts and land use.
- *Political impacts.* Document preparation started out early enough to have been successful, but the process was eventually mired in grandstanding and local politics.
- *Project changes.* Substantive comments received during the preliminary EA's public comment period identified the need to modify the proposed project.

Teamwork

Factors that Facilitated Effective Teamwork

- *Good communication.* Regular communication among the DOE project manager, the applicant, and the NEPA contractor proved very important to completing this EA.
- *Timely issue resolution.* Addressing issues in a timely manner proved very important to completing this EA on time.

Process

Successful Aspects of the Public Participation Process

- *Timely public input.* Receiving concerns in a timely manner from much of the public was useful.
- *Tribal consultation.* Participation of Tribal Historic Preservation Officers and Tribal Council Members in several Section 106 consultation meetings was

(continued on next page)

Questionnaire Results

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

effective in resolving minor disturbances to cultural resources.

Unsuccessful Aspects of the Public Participation Process

- *Public trust.* Some stakeholders characterized the proposed project as having hidden purposes related to another project proposed by another agency in the area.
- *NEPA process too long.* Several persons who participated in the EIS process expressed frustration with how long it took.
- *Undesired results.* Several persons who participated were not happy that the use of fact-based data and reasonable assumptions for the EIS did not lead to the answers they wanted.

Usefulness

Agency Planning and Decisionmaking: What Worked

- *Flexible approach.* The selection of a multi-faceted preferred alternative provided management with a flexible approach for addressing its needs.

Enhancement/Protection of the Environment

- *Avian protection.* Protection measures were included in the final EA to ensure that avian species are minimally impacted.
- *Wildlife protection.* Mitigation measures were included in the final EA to avoid locating project activities in well-drilling areas and nesting sites.
- *Reduction of impacts.* Based on the EIS findings, viable alternatives were identified that reduced the impacts to visual resources, land use issues, and environmental resources.

Other Issues

Guidance Needs Identified

- *Working effectively with cooperating agencies.* Guidance is needed on how to effectively deal with cooperating agencies and members of the public who are not interested in cooperating.

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 protection of the environment or its influence on decisionmaking.

For the past quarter, in which 3 EA and 1 EIS questionnaire responses were received, all respondents rated the NEPA process as “effective.”

- A respondent who rated the process as “5” stated that the NEPA process facilitated the evaluation of a reasonable range of alternatives.
- A respondent who rated the process as “5” stated that the NEPA process facilitated effective communication among state and federal agencies regarding relevant issues associated with this project.
- A respondent who rated the process as “5” stated that the NEPA process facilitated effective communication and coordination with the state wildlife office and allowed important wildlife protection measures to be incorporated to ensure that avian species are minimally impacted.
- A respondent who rated the process as “3” stated that timely completion of the EA process was impacted by changes in the proposed project.