

# National Environmental Policy Act LESSONS LEARNED

U.S. DEPARTMENT OF ENERGY

QUARTERLY REPORT

September 1, 2011; Issue No. 68

Third Quarter FY 2011

## DOE NEPA Metrics Show Positive Results

The median cost and time to complete DOE environmental assessments (EAs) decreased substantially during 2009 and 2010, according to data collected by the Office of NEPA Policy and Compliance (NEPA Office), even though DOE's overall NEPA workload more than doubled during the same time period (Figures 1 and 2). The improved performance metrics are attributable to the preparation of EAs for projects funded through the American Recovery and Reinvestment Act (Recovery Act). The median cost and time to prepare EAs for Recovery Act projects were about 40 percent lower than for all non-Recovery Act projects prepared from January 1, 2001, through December 31, 2010. This trend continues in 2011, based on data through July 31.

The cost and completion time for environmental impact statements (EISs) remained stable from 2001 through 2010, with expected variations in data from year to year.

Also throughout this period, about 75% of Lessons Learned Questionnaire respondents rated the NEPA process as "effective" and noted many ways in which NEPA compliance served to enhance or protect the environment. (See, for example, *What Worked and Didn't Work*, page 21.) DOE also has reported on the effectiveness of the NEPA process for Recovery Act projects in reports to the Council on Environmental Quality, noting many benefits of NEPA reviews (*LLQR*, March 2010, page 14).

### Recovery Act EAs Improved Trends

From 2001 through 2009, DOE typically completed about 20 to 30 EAs per year. That number jumped to 77 completed EAs in 2010, including 52 EAs for Recovery Act projects. Data on EAs completed through July 2011 and DOE workload projections for documents in preparation show a similar large workload in 2011.

(continued on page 3)

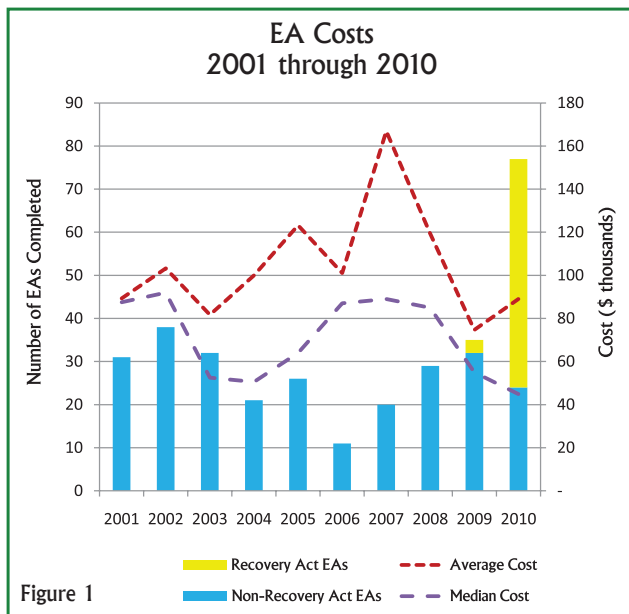


Figure 1

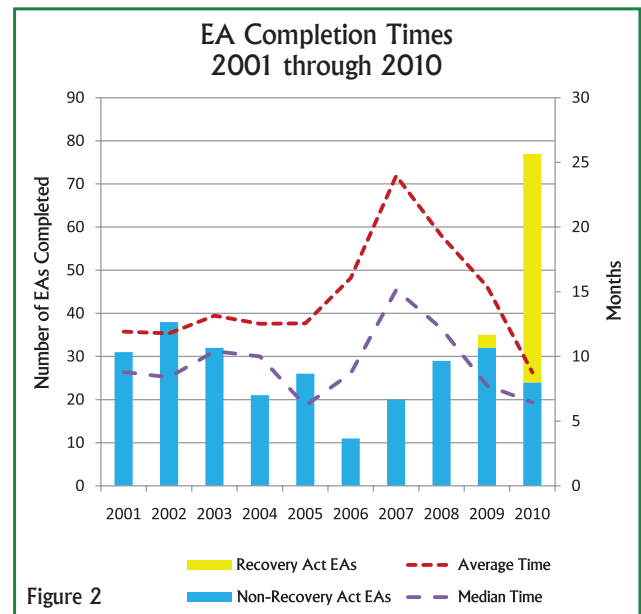


Figure 2

## Inside **LESSONS LEARNED**

Welcome to the 68<sup>th</sup> quarterly report on lessons learned in the NEPA process. This issue features an analysis of recent NEPA performance metrics. While we are pleased that EA cost and time metrics have improved, we are continuing to analyze how to apply lessons learned from the Recovery Act experiences more broadly. Thank you for your continuing support of the Lessons Learned program. As always, we welcome your suggestions for improvement.

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*Carol Sington*

Director  
Office of NEPA Policy and Compliance

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## Be Part of Lessons Learned

### We Welcome Your Contributions

We welcome suggestions, comments, and contributed drafts for the *Lessons Learned Quarterly Report (LLQR)*. We especially seek case studies illustrating successful NEPA practices. Draft articles for the next issue are requested by November 1, 2011. Contact Yardena Mansoor at [yardena.mansoor@hq.doe.gov](mailto:yardena.mansoor@hq.doe.gov).

### Quarterly Questionnaires Due November 1, 2011

Lessons Learned Questionnaires for NEPA documents completed during the third quarter of fiscal year 2011 (July 1 through September 30, 2011) should be submitted by November 1, 2011, but preferably as soon as possible after document completion. The Questionnaire is available on the DOE NEPA Website at <http://energy.gov/nepa> under Guidance & Requirements, then Lessons Learned. For Questionnaire issues, contact Vivian Bowie at [vivian.bowie@hq.doe.gov](mailto:vivian.bowie@hq.doe.gov).

### LLQR Online

The Office of NEPA Policy and Compliance notifies the DOE NEPA Community and other interested parties by email when each new quarterly issue is posted on the DOE NEPA Website (above) under Guidance & Requirements, then Lessons Learned. We provide paper copies only on request. Send distribution requests to [yardena.mansoor@hq.doe.gov](mailto:yardena.mansoor@hq.doe.gov) or call 1-800-472-2756.



This icon indicates that *LLQR* online (<http://energy.gov/nepa> under Guidance & Requirements, then Lessons Learned) provides a link to a referenced webpage.



## NAEP Conference Abstracts Due Sept. 30; Environmental Award Nominations Due Dec. 2

The National Association of Environmental Professionals (NAEP) seeks abstracts for presentations at its 37<sup>th</sup> annual conference, to be held May 21–24, 2012, in Portland, Oregon, under the banner of *Science, Politics, and Policy: Environmental Nexus*. The conference covers NEPA and related subjects and is open to environmental professionals in all levels of government, academia, and the private sector. NAEP also invites nominations for its annual Environmental Excellence Awards, which recognize outstanding projects and programs. Information on submitting abstracts (due September 30) and award nominations (due December 2) is available at [www.naep.org](http://www.naep.org).

## greengov<sup>SM</sup> GreenGov Symposium, Oct. 31 – Nov. 2

The Council on Environmental Quality and the Association of Climate Change Officers (who represent private sector companies; international organizations; Federal, state, and local governments; and academic institutions) are co-sponsoring the second annual GreenGov Symposium, which will be held in Washington, DC, on October 31 through November 2. The conference focuses on sustainability and other topics related to Executive Order 13514, *Federal Leadership in Environmental, Energy and Economic Performance*. Information is available at [www.greengov2011.org](http://www.greengov2011.org).

# NEPA Metrics *(continued from page 1)*

The median and average costs for 320 EAs completed during the 10-year period through 2010 were \$65,000 and \$103,000, respectively. A decrease in median EA costs in 2010 is attributable to lower costs for Recovery Act EAs; data through July 31, 2011, show a continuation of this trend. The respective median and average costs to complete 56 Recovery Act EAs in 2009 and 2010 were \$44,000 and \$62,000 per EA, which is substantially less than the corresponding costs of 264 non-Recovery Act EAs completed during the past 10 years (\$77,000 and \$112,000, respectively).

EA completion time is measured from the EA determination date to document approval. On an annual basis, median EA completion times during the past 10 years typically ranged between about 7 and 10 months, peaked in 2007-2008, then decreased in 2010 to about 6 months; data through the first half of 2011 show a continuation of this trend. Most of the decrease to date is attributable to faster completion times for Recovery Act EAs. The median time to complete 56 Recovery Act EAs in 2009 and 2010 was 6 months; the corresponding median completion time for 264 non-Recovery Act EAs over the past 10 years was 10 months. Data through July 31, 2011, show a continuation of this trend. Figure 3 provides more information on the distribution of EA completion times.

Based on informal feedback from NCOs, the improved metrics for Recovery Act EAs may be attributed to: 1) senior management attention to schedule; 2) common subjects, with most EAs for advanced battery manufacturing or wind turbines; and 3) team approaches in which the same people worked on similar EAs and shared lessons efficiently.

## Tracking and Reporting NEPA Metrics

Since 1994, the NEPA Office has solicited comments from NEPA Compliance Officers (NCOs), 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 cost, completion time, and measures of effectiveness. The NEPA Office analyzes data trends to assess the Department's progress and recommends ways to foster improvement. In 2009, the NEPA Office began to track data for categorical exclusion (CX) determinations.

Past analyses of trends in metrics data, primarily for EISs, are reported in *LLQR*, including for the periods: 1994–2003 ([September 2003, page 4](#)), 1996–2005 ([March 2006, page 32](#)), 1997–2007 ([June 2007, page 28](#)), and 1998–2007 ([December 2008, page 16](#)).

## EIS Metrics Remained Stable

During the past 10 years DOE issued about 7 EISs per year. In 2010, DOE prepared 5 EISs. (Adopted EISs are not included in the number of EISs completed and the cost and time analyses.) Seven EISs have so far been completed in 2011. Reports from NEPA Document Managers indicate that DOE is expected to complete six more EISs this year.

EIS cost and completion time metrics must be interpreted cautiously in view of the relatively small number of documents and large variability in these metrics; one or two extraordinary documents can significantly influence statistics, particularly averages (Figures 4 and 5).

*(continued on next page)*

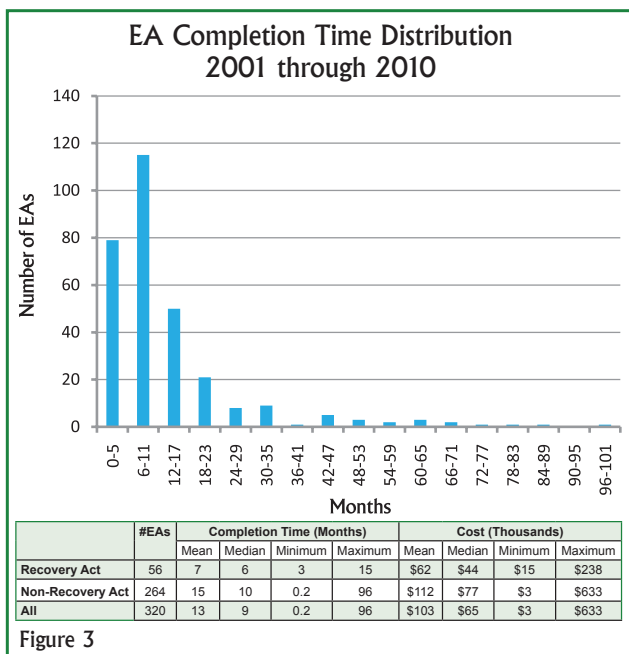


Figure 3

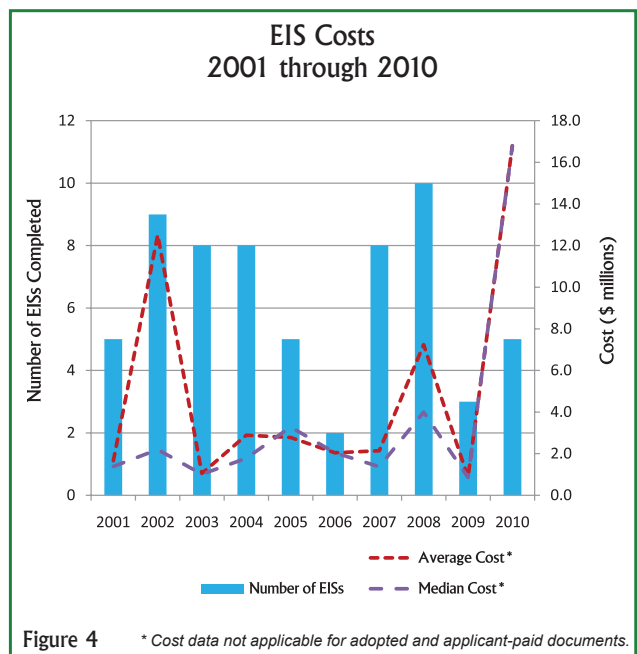


Figure 4 \* Cost data not applicable for adopted and applicant-paid documents.

# NEPA Metrics *(continued from previous page)*

For example, a spike in the cost of EISs completed in 2010 and a spike in completion time in 2009 are attributable to completion of a few extraordinary documents. Metrics for Recovery Act EISs are not distinguished in this analysis due to the small number of such documents, the completion or near completion of a few EISs before a determination to apply Recovery Act funding, and the application of Recovery Act funds to a subset of activities addressed in complex EISs.

EIS completion costs generally have remained stable over the past 10 years with median and average EIS costs of \$1.4 million and \$4.6 million, respectively, for 41 EISs for which costs are applicable to DOE. (Costs are not applicable for adopted and applicant-paid documents.)

EIS completion times are measured from DOE's notice of intent to prepare an EIS to the Environmental Protection Agency's notice of availability of the final EIS. Median EIS completion times generally have varied between 20 and 35 months.

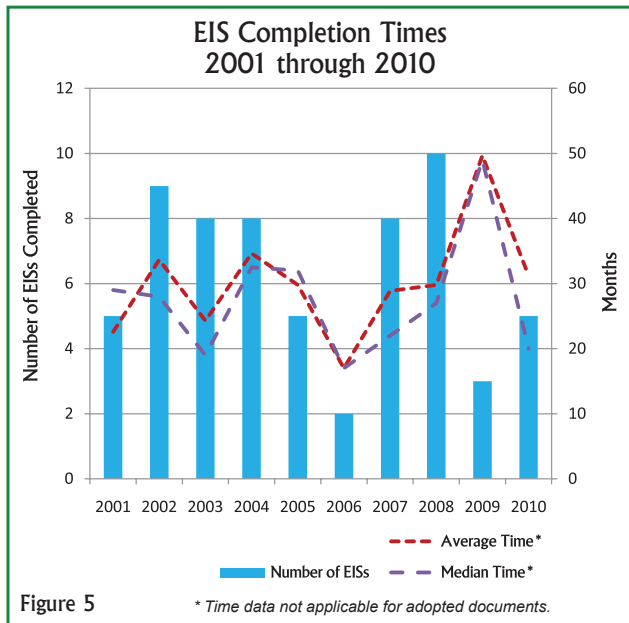
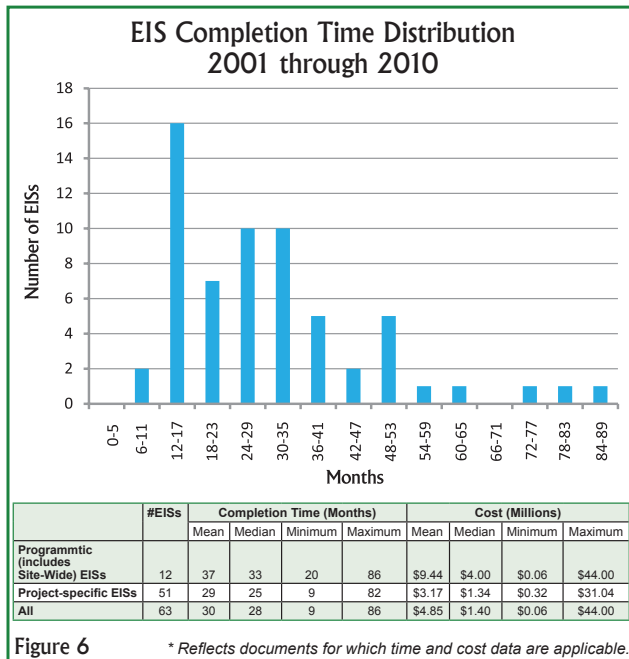


Figure 6 provides more information about the distribution of EIS completion times, indicating that, although some EISs are completed in 3 or more years, the most frequent EIS completion time is between 12 and 17 months, while 15 percent are completed in 15 months or less.

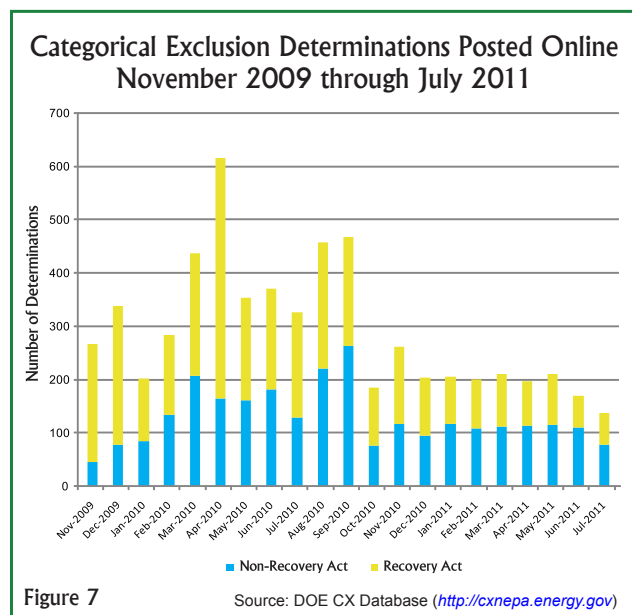
Looking forward, an increasing number of EISs are in preparation for which Document Managers report that completion milestones are “uncertain,” raising concerns about prospects for continued improvement in EIS completion time. The number of EISs tracked on DOE's Schedule of Key EISs for which completion milestone dates are uncertain has increased from about 30 percent in 2009 to 60 percent in 2011 (*Schedules of Key EISs*, updated monthly, on the DOE NEPA Website).



## CX Determinations Up Sharply

Figure 7 presents the 6,200 CX determinations by month included in the DOE CX database since November 2009, when DOE instituted a policy to publicly post CX determinations. (See *LLQR, December 2009, page 1.*)

*(continued on page 10)*



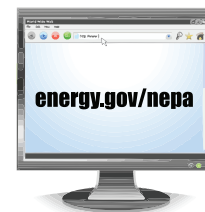
# New Design Creates Opportunities for DOE NEPA Website

Improvements to the DOE NEPA Website are underway following the roll out of a new design for *Energy.gov* on August 4, 2011. New software running the website will make it simpler to find related NEPA documents and allow users to search for documents by various criteria.



Secretary of Energy Steven Chu announced the new web redesign in a [video message](#), in which he acknowledged that the NEPA Office “spent countless hours preparing tens

of thousands of documents for the new, improved NEPA site.” In regard to the overall web redesign effort, he said, “These efforts are making *Energy.gov* easier to use, more transparent, and more participatory – all while saving taxpayers more than \$10 million each year.”



## Transitioning the DOE NEPA Website

The NEPA Office is continuing to transition files to the new web design and to make changes to take full advantage of the possibilities offered by the new software. We apologize that some files have been difficult to locate in the interim, due, in part, to the new menu choices. Archives of DOE NEPA documents, Key EIS Schedules, and the EA/EIS Status Chart are under the Services tab. NEPA regulations and guidance, and *LLQR*, are under the Guidance & Requirements tab. If you need to locate a file, have questions about the new website, or have suggestions for improvements, please email us at [askNEPA@hq.doe.gov](mailto:askNEPA@hq.doe.gov).

The DOE NEPA Website is available via <http://nepa.energy.gov> or <http://energy.gov/nepa>.

In transitioning to the new web design, NEPA Office staff reviewed more than 18,000 individual files that make up the DOE NEPA Website – including individual NEPA documents, requirements, guidance, and *LLQR* – and added metadata, such as the title, date, and keywords, so that the content management system could create an internal index and make the entire library of documents searchable and accessible. This will allow the website to present projects undergoing NEPA review by type (e.g., solar, wind, nuclear), location, or DOE Office. The NEPA Office is exploring ways to list public comment opportunities with links to the relevant NEPA documents and information on submitting comments. New design changes will reduce maintenance costs and make it simpler to update the website. The DOE NEPA Website will continue to evolve over the coming months, with improved functions, new content, and better presentation.

# Federal Agencies Completing Recovery Act NEPA Work



Federal agencies “continue to make good progress in completing their NEPA reviews in a timely fashion,” said Nancy H. Sutley, Chair of the Council on Environmental Quality (CEQ), in releasing the tenth quarterly report to Congress on NEPA compliance for projects funded under Division A of the American Recovery and Reinvestment Act of 2009 (Recovery Act). The report highlights examples “where the environmental review process assisted Federal agencies in improving the quality of their decisions, thereby saving money and energy, protecting vital resources, and increasing public participation,” she said.

CEQ announced that as of June 30, 2011, “more than 99 percent of environmental reviews for Recovery Act projects” (or more than 191,400 of the 191,710 required NEPA reviews) had been completed. Cumulatively through June 30, 2011, Federal agencies completed more than 183,650 categorical exclusion (CX) determinations and more than 6,950 EAs, and analyzed 830 projects in EISs. Agencies concluded that NEPA is not applicable to more than 4,270 other Recovery Act projects. Together, these projects involve obligations of almost \$297 billion, an increase of \$4.2 billion since the previous quarter. Federal agencies completed more than 1,400 of these NEPA reviews during the quarter ending June 30, including more than 500 that were completed by DOE.

CEQ reported that approximately 310 NEPA reviews are underway: approximately 95 CX determinations, 180 EAs, and 30 EISs. Pending NEPA reviews for DOE Recovery Act projects include 34 EAs and 17 EISs; DOE reported no pending CX determinations.

As of June 30, DOE had completed more than 9,700 NEPA reviews supporting the obligation of more than \$34 billion for projects receiving Recovery Act funding, an increase of almost \$500 million since March 31, 2011 ([LLQR, June 2011, page 12](#)). Of the completed reviews, more than 9,600 are CX determinations, 115 are EAs, and more than 25 are EISs.

## Final Report to Congress in November

The last CEQ report to Congress, as required by Section 1609(c) of the Recovery Act, will cover NEPA activities through September 30, 2011. Federal agency reports are due to CEQ in October 2011, and CEQ will submit the report to Congress in November 2011.

The CEQ reports to Congress are available at [NEPA.gov](http://NEPA.gov). For more information, contact Brian Costner, Office of NEPA Policy and Compliance, at [brian.costner@hq.doe.gov](mailto:brian.costner@hq.doe.gov) or 202-586-9924.

# EERE Environmental Reports To Streamline NEPA Analyses

The DOE Office of Energy Efficiency and Renewable Energy (EERE) is preparing reference documents describing the environmental impacts of renewable energy technologies to streamline its NEPA reviews for such projects. During its review of thousands of applications for funding under the American Recovery and Reinvestment Act of 2009 (Recovery Act), EERE recognized that an improved base of environmental data for renewable energy technologies could benefit both applicants and DOE NEPA practitioners.

DOE nominated the first such report, which will be on geothermal heat pumps, as a pilot project in response to a recent request from the Council on Environmental Quality (CEQ). (See text box, below.) EERE plans to complete similar Renewable Energy Environmental Reports for solar and wind energy technologies.

“The Renewable Energy Environmental Report pilot project is intended to develop a process that aids EERE and other organizations in ensuring consistent, highly efficient, and focused NEPA analyses for geothermal heat pump technologies. If successful, this process can be applied to any technology,” said Scott Hine, Director of Field Operations, EERE.

The first report will discuss potential environmental impacts associated with installing, operating, and decommissioning geothermal heat pump technologies in a range of geographic settings. Geothermal heat pumps use the constant temperature of the Earth (rather than more variable air temperatures used in other types of heat pumps) to heat and cool residential and commercial buildings. This allows the system to operate at much higher efficiencies.

## Many Recovery Act Proposals Lacked Environmental Information

While reviewing applications for funding under the Recovery Act, DOE determined that many applications, including those for geothermal heat pump projects, lacked information needed to determine the appropriate level of NEPA review (categorical exclusion determination, EA,


### Geothermal Heat Pump Environmental Report Will Address:

- Geothermal heat pump technologies and how they interact with the environment
- Screening criteria that can be used to focus future NEPA reviews
- Methodologies for the analysis of potential environmental impacts common to geothermal heat pump technologies
- Potential direct and indirect impacts associated with specific technologies
- Issues to consider for cumulative impacts analysis for individual proposed geothermal heat pump projects
- Technology-specific best management practices and impact avoidance and mitigation measures
- Areas of incomplete or unavailable information
- Applicable regulations, requirements, and guidelines

or EIS). As a result, DOE had to request additional project information from applicants, thereby delaying the NEPA process. Also, while simultaneously reviewing a large number of proposals for geothermal heat pump projects, DOE identified common technical questions regarding potential impacts. From these experiences, DOE concluded that a technology-specific report would reduce the cost and time needed to complete future NEPA reviews.

DOE can use the report to develop requirements for funding solicitations for geothermal heat pump proposals. It will help DOE more clearly describe information needs and better inform applicants about potential environmental impacts that may need particular attention because of the proposed technology, location, or other factors. The report will also expedite DOE’s determination of NEPA compliance requirements and can be incorporated by reference in future NEPA documents.

## DOE To Engage the Public, Other Agencies

Participation by the public, other agencies, and subject matter experts is a key element of DOE’s planned process for preparing the report. In addition to traditional public involvement opportunities, DOE intends to utilize “crowd-sourcing,” community board, and Wiki-environments to solicit comments on the scope of the report and on a draft report. DOE will use the collective knowledge of all interested parties to inform the preparation of the report. For more information on DOE’s geothermal heat pump Renewable Energy Environmental Report, contact John Jediny, EERE Environmental Specialist, at [john.jediny@ee.doe.gov](mailto:john.jediny@ee.doe.gov) or 202-586-4790. 

### 37 Pilot Projects Nominated To Improve NEPA Efficiency

CEQ, in March 2011, invited public and Federal agencies to nominate pilot projects for improving NEPA implementation (*LLQR*, June 2011, page 11). CEQ received 37 nominations of approaches to simplify implementation, reduce the time and cost of NEPA reviews, use information technology, and improve the effectiveness of public engagement. The pilot project nominations, including this one from DOE, are posted on the CEQ [website](#). On August 31, CEQ announced its first winning pilot project: two information technology tools developed by the Forest Service and National Park Service.



DOE's Office of Legacy Management conducted four public scoping meetings for the Uranium Leasing Program (ULP) Programmatic Environmental Impact Statement (DOE/EIS-0472) in August 2011. (See Notice of Intent, 76 FR 36097, 6/21/11; and Notice of Public Scoping Meetings, 76 FR 43678, 7/21/11.) More than 200 people participated in meetings in Montrose, Telluride, and Naturita, Colorado, and Monticello, Utah. These photographs depict some of the meetings and proposed mine leasing area.



Registration desk at ULP scoping meetings.



Participants at Telluride meeting listen to presentations.



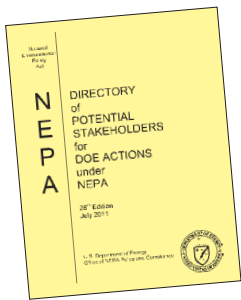
Participants at Naturita meeting listen to presentations.



Participants view posters and discuss the program.



View of Paradox Valley in Montrose County, site of proposed leasing activity.



## More Stakeholders Accept NEPA Documents Online

Updating the annual *Directory of Potential Stakeholders for DOE Actions under NEPA* (“*Stakeholders Directory*”) includes asking more than 250 contacts in

Federal agencies, states, and national and regional nongovernmental organizations whether they prefer to receive a paper copy or compact disk of an EIS or EA, or to be notified of a web address when the document is posted online. Of the contacts who expressed such preferences, those who report that timely notification of a web address is sufficient continue to increase – **from approximately 15 percent in 2009, to 40 percent in 2010, to 60 percent in 2011.**

By understanding distribution preferences DOE can better serve its stakeholders while realizing time and cost savings in printing, packaging, and mailing. Online distribution requires a NEPA Document Manager to plan ahead to post NEPA documents and notify potential stakeholders before the start of a public review period. The Council on Environmental Quality (CEQ) NEPA regulations specify that an EIS shall be filed with the Environmental Protection Agency no earlier than it is also transmitted to commenting agencies and made available to the public (40 CFR 1506.9). When DOE is making a draft EA available online for public review, DOE policy is to post

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*A trend identified in recent years continues: the growing acceptance of online distribution of NEPA documents if notification is timely.*

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the document to the DOE NEPA Website before the start of the public review period (*LLQR*, September 2010, page 1).

The 28<sup>th</sup> Edition of the *Stakeholders Directory* (July 2011) is posted on the DOE NEPA Website. The *Stakeholders Directory* is intended to supplement Program and Field Office notification and distribution lists for NEPA documents. It responds to a provision of the CEQ regulations (40 CFR 1506.6(b)(2)) that directs Federal agencies to maintain a list of national organizations reasonably expected to be interested in NEPA reviews of national concern. DOE Offices are encouraged to be inclusive in providing potentially interested parties with opportunities to review DOE NEPA documents, consistent with the Presidential memorandum on *Transparency and Open Government* (January 21, 2009).

For additional information, contact Connie Chen, Office of NEPA Policy and Compliance, at [connie.chen@hq.doe.gov](mailto:connie.chen@hq.doe.gov) or 202-586-7033.

## New Database Tracks Electric Transmission Projects

DOE’s Office of Electricity Delivery and Energy Reliability (OE) recently unveiled an online project tracking system to improve coordination in the siting and permitting process for electric transmission facilities on Federal land. The e-Trans database, which is publicly accessible at [www.doe-etrans.us](http://www.doe-etrans.us), provides links to project information from applicants, Federal lead and cooperating agencies, states, and tribes. The database was developed pursuant to a Memorandum of Understanding among DOE and eight other Federal agencies<sup>1</sup> (October 23, 2009; *LLQR*, December 2009, page 12).

Currently, the e-Trans database includes 38 transmission projects. Project information is searchable by: lead Federal

agency, applicant, project name, affected states, electric current type, and voltage. NEPA information provided for each project includes type of document (i.e., EIS or EA), schedule and major milestones, and a link to any project website maintained by the lead agency. OE expects to provide additional enhancements, including maps of proposed transmission lines and links to NEPA documents.

The e-Trans database helps engage the public and provide transparency by presenting NEPA-related information and Federal agencies’ roles and responsibilities for electric transmission facilities projects. For further information, contact Brian Mills, OE’s NEPA Compliance Officer, at [brian.mills@hq.doe.gov](mailto:brian.mills@hq.doe.gov) or 202-586-8267.

The Energy Policy Act of 2005 added Section 216(h) to the Federal Power Act. Section 216(h) provides for DOE to coordinate all applicable Federal authorizations and required environmental reviews to streamline agency review and avoid duplication. The Act authorizes DOE to issue any regulations necessary to implement the provisions of 216(h) to ensure timely, efficient reviews and permitting decisions for electric transmission facilities.

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*The e-Trans database gives applicants, interagency teams, and the public a way to track – for the first time – the progress of transmission line permitting.*

– Brian Mills

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<sup>1</sup>The MOU was signed by the Departments of Agriculture, Commerce, Defense, Energy, and the Interior; the Environmental Protection Agency; the Council on Environmental Quality; the Federal Energy Regulatory Commission; and the Advisory Council on Historic Preservation.



# MOU To Standardize NEPA Air Analyses for DOI/USDA Oil and Gas Development Decisions



The U.S. Environmental Protection Agency (EPA), the U.S. Department of the Interior (DOI), and the U.S. Department of Agriculture (USDA) are implementing a new interagency approach to air quality analyses and mitigation for Federal oil and gas planning, leasing, and field development decisions. In a June 24, 2011, Memorandum of Understanding (MOU), the agencies commit to “a clearly defined, efficient approach to compliance with [NEPA] regarding air quality and air quality related values (AQRVs), such as visibility . . . .”

Although DOE was not a signatory, the “standardized approach” defined in the MOU may be useful to DOE NEPA practitioners conducting NEPA reviews for oil and gas projects. The MOU provides assurances to the signatories that, “if the EPA determines the MOU procedures have been followed, it will rate the resulting NEPA analyses of air quality or AQRVs as ‘adequate’ (and not ‘inadequate’ or ‘3’) under the EPA criteria for rating” draft EISs. EPA notes in the MOU that a rating of “adequate” does not mean it will necessarily conclude that the impacts will be environmentally satisfactory, and EPA will continue to provide specific comments on the environmental soundness of actions, as required pursuant to NEPA and Section 309 of the Clean Air Act.

## Emphasis on Collaboration and Mitigation

The MOU states that the standardized approach “builds on best practices from recent successful collaboration” and that the signatories expect it to lead to improved design and implementation of mitigation measures, including best management practices that will protect both air quality and AQRVs, and provide opportunities for future oil and gas development. The MOU responds to past instances in which major oil and gas development proposals were delayed by legal challenges or while questions about appropriate air analyses and mitigation measures were resolved.

To meet the goals of protecting air quality and AQRVs and facilitating the development of oil and gas resources on Federal lands, the MOU provides:

- for early interagency consultation throughout the NEPA process in determining the appropriate air quality analysis
- common procedures for determining what type of air quality analyses are appropriate and when air modeling is necessary (e.g., modeling would be

required when a substantial increase in emissions inventory is anticipated or the project location is in a non-attainment or maintenance area)


- specific provisions for analyzing and discussing impacts to AQRVs and for mitigating such impacts (including responsibilities of the lead agency to identify reasonable mitigation and control measures in collaboration with other agencies, and to ensure the measures are implemented)
- a timely inter-agency dispute resolution process.

## Technical Direction Provided

An appendix to the MOU provides a framework for modeling approaches to evaluate air quality, including an overview of commonly used air models, and direction on approaches, models, and underlying principles applicable in a range of circumstances. For example, when a reasonably foreseeable number of wells is determined based on limited or general information, the appendix explains when to use long range transport models, local-scale modeling, and add-on photochemical approaches (“add-on” in this context means to insert project-specific incremental emission estimates into an existing modeling system).

Although focused on analyzing direct, indirect, and cumulative air quality impacts and mitigation measures related to National Ambient Air Quality Standards (NAAQS) and AQRVs, the MOU procedures may also be used to assess emissions of hazardous air pollutants (HAPs) and greenhouse gas (GHG) emissions. Mitigation and control measures to address NAAQS and AQRVs often result in reductions in HAPs and GHGs, the MOU states.

The agencies have until September 22, 2011, to develop agency and joint plans for implementing and disseminating the MOU; develop appropriate joint training efforts and materials; and designate a national senior level manager to oversee implementation of the MOU.

The MOU is available on EPA’s website at [www.epa.gov/compliance/resources/policies/nea/index.html](http://www.epa.gov/compliance/resources/policies/nea/index.html). For further information, contact Jessica Trice at [trice.jessica@epamail.gov](mailto:trice.jessica@epamail.gov). 



# Air Force Guidance Goes “Back to Basics” To Strengthen NEPA Planning Process

The Air Force is setting a course to get “back to basics” in its NEPA compliance program to provide high-quality environmental impact analyses to decisionmakers at all levels of command and to make EIS and EA preparation more timely and less costly. The Air Force’s approach assigns the role of action “proponent” to the decisionmaker and reinforces the associated responsibilities. The approach establishes an intensive, early NEPA planning process, with well-defined activities to be accomplished before starting preparation of an EIS or EA.


The Air Force Center for Engineering and the Environment published guidance, *Planning Requirements for the Environmental Impact Analysis Process* (May 2011), that articulates the Air Force corporate NEPA planning process and outlines the associated responsibilities of the proponent/decisionmaker, environmental planning function, and members of the interdisciplinary team. The guidance lists the detailed contents of NEPA planning documents, designed to support four principal goals:

- complete an EA within 6 months (from notification of affected states of the intent to prepare an EA to delivery of the final EA to the decisionmaker)
- complete an analytic, not encyclopedic, EIS in 12 months (from publication of notice of intent to notice of availability for the final EIS)
- use performance-based contracting
- establish a milestone tracking system for EAs and EISs.

Implementation of the Air Force NEPA initiative includes structured internal scoping steps to be taken *before* notifying the state or issuing a notice of intent. These include developing a statement of purpose and need for action, identifying reasonable alternatives, compiling available relevant information and identifying needed data, and developing a statement of work and detailed schedule for NEPA contracting or internal document preparation. The approach also calls for developing programmatic agreements under the National Historic Preservation Act and Endangered Species Act and establishing cooperating agency relationships before the start of NEPA document preparation.

Other actions promote efficiency in a NEPA review through **management and coordination** (e.g., decisionmaker involvement in all stages of the review, periodic review meetings), **avoiding duplication of effort** (a centralized data repository, site-wide (“fence-to-fence”) NEPA documentation), **standardization** (adoption of page limits and formats, avoiding unnecessary appendices), and **training**.

A “Center for NEPA Excellence” has been established within the Air Force Center for Engineering and the Environment to provide NEPA expertise in support of these goals and promote consistency in costing, contracting, and execution.

Additional information on the Air Force NEPA planning process is available from Jack Bush, NEPA Program Manager, at [jack.bush@pentagon.af.mil](mailto:jack.bush@pentagon.af.mil) or 703-614-0237. 

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*Although the guidance appears to require new steps, it is really “back to basics” – the requirements of the CEQ NEPA regulation and the Air Force regulation found at 32 CFR Part 989.*

— Jack Bush  
Air Force NEPA Program Manager

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## NEPA Metrics *(continued from page 4)*

The data show the extraordinary NEPA workload attributable to Recovery Act implementation, with the number of CX determinations more than doubling in 2010 from what appears to have been the Department’s historic rate. The tide of CX determinations, as reflected in the monthly totals, appears to have peaked in late 2010 and to be ebbing in 2011, as DOE has completed NEPA reviews for most Recovery Act projects (related article, page 5).

For further information on DOE NEPA performance metrics, contact Eric Cohen, Office of NEPA Policy and Compliance, at [eric.cohen@hq.doe.gov](mailto:eric.cohen@hq.doe.gov). 

## Update on DOE NEPA Rulemaking

DOE has completed internal coordination with NCOs and senior management on the draft Notice of Final Rulemaking and is working to complete consultation with CEQ, prior to submitting the final rule to the Office of Management and Budget ([LLQR, June 2011, page 9](#)).

# Transitions

## Matt Urie: Assistant General Counsel for Environment

The Office of NEPA Policy and Compliance congratulates **Matthew (Matt) C. Urie** on his new role as DOE's Assistant General Counsel for Environment. He comes to this position with almost 30 years of law and litigation experience, most of it in the environmental arena at DOE, and earlier at the Federal Energy Regulatory Commission, Department of Justice, and Department of the Interior.

Since joining DOE in 1992, Matt has been involved in many of the Department's most challenging environmental issues and cases, ranging from the storage and disposition of spent nuclear fuel and other nuclear materials to the cleanup of legacy contamination at DOE sites. From 2003 to 2008, he managed the Department's Yucca Mountain legal office in Las Vegas, and in 2008 served as the first director of DOE's office in the United States Embassy, Baghdad. Matt also served for almost 3 years as an attorney with NNSA. Most recently, he served as the Special Assistant to the Deputy General Counsel, where he was responsible for leading the response to all document production requests from Congress, providing counsel on compliance with the Freedom of Information Act, and advising on environmental law and compliance issues, among other tasks.

*(continued on next page)*

## Federal Agencies Sign Environmental Justice MOU



DOE was among 17 Federal agencies and Executive offices that signed a [Memorandum of Understanding on Environmental Justice and Executive Order 12898 \(MOU\)](#), issued on August 4, 2011.

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***This agreement is an important step in furthering the Administration's commitment to ensuring healthy communities for all Americans – free from environmental and health hazards.***

***– Secretary of Energy Steven Chu***


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The MOU defines agency responsibilities, commitments, processes, and procedures outlined in Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, issued by President Bill Clinton in 1994. The MOU also expands the scope of an Interagency Working Group on Environmental Justice that includes DOE.

“Working collaboratively, we have partnered with other Federal agencies” in signing this MOU, said DOE Associate Deputy Secretary Melvin G. Williams. “It is important that we remain effective in the execution of our” environmental justice strategy and other elements of the MOU.

NEPA provisions are contained under *Areas of Focus* in the MOU. Agencies must develop and post online environmental justice strategies, obtain public input, and issue Annual Implementation Progress Reports. In doing so, agencies are to “identify and address, as appropriate, any disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations, including, but not limited to, as appropriate for its mission, in the following areas: (1) implementation of NEPA; (2) implementation of Title VI of the Civil Rights Act of 1964, as amended; (3) impacts from climate change; and (4) impacts from commercial transportation and supporting infrastructure.”

Environmental justice strategies are to be updated by September 30, 2011. DOE's environmental justice strategy was originally prepared in 1995 and updated in 2008. On July 29, 2011, DOE approved its *Environmental Justice Five-Year Implementation Plan – Second Annual Progress Report*, which evaluates how well the Department is following its environmental justice strategy.

For further information about DOE's Environmental Justice Program or to request copies of the Progress Report, contact Melinda Downing, Environmental Justice Program Manager, at [melinda.downing@hq.doe.gov](mailto:melinda.downing@hq.doe.gov). For information on environmental justice and NEPA, contact Denise Freeman, Office of NEPA Policy and Compliance, at [denise.freeman@hq.doe.gov](mailto:denise.freeman@hq.doe.gov). 

# Transitions *(continued from previous page)*

## Senior Attorney Rick Ahern, NEPA Stalwart, Retires

Richard (Rick) F. Ahern, who has most recently served as Acting Assistant General Counsel for Environment after Bruce Diamond's departure to NNSA in February 2011, retired on August 31.

Rick joined DOE in 1979 as an attorney–advisor charged with administering enforcement of the Department's Economic Regulatory Administration (ERA) oil price control program. A year later he went to work for a Los Angeles law firm, where he began his career as a litigator in Federal courts. In 1987, he returned to DOE to bring his skills as a litigator to bear in the service of ERA, filing and prosecuting actions to recover oil overcharges across the United States. After several years, he was promoted to Assistant Director of Judicial Litigation and managed a small staff of lawyers. He served in this capacity until ERA was disbanded in 1996, and he was offered the opportunity to join General Counsel's Environmental Law Section.

Rick's interest in environmental law grew from his lifetime as an outdoorsman. Working to apply NEPA and all of the other environmental laws was for him far more than an intellectual challenge; it was also a labor of love, a chance to give back and to preserve the chance for future generations to enjoy the land as he did. He rose to the position of Deputy Assistant General Counsel in 2005 and, as noted above, capped his career by serving during his final months as the Acting Assistant General Counsel for Environment. He has been a true legal partner over the years, providing valuable assistance and advice, including supporting and speaking at DOE NEPA Community Meetings.

A few key suggestions and recommendations from Rick are highlighted below:

In his review of the 2003 litigation over the Presidential permits issued for electric transmission lines that connect new power plants in Mexico with the California power grid, Rick emphasized important lessons learned for DOE's NEPA practitioners ([LLQR, September 2003, page 9](#)):

- thoroughly understand the environmental issues of local interest,
- independently verify all work performed by the applicants and their experts, and
- always support and explain a conclusion that an impact is not significant – an unsupported conclusory assertion that an impact is “insignificant” is not sufficient for judicial review.

Rick reminded NCOs that “DOE does not serve an applicant well if the NEPA process is not followed, impacts are not adequately analyzed, and information is not validated or verified” in a session on applicants and the DOE NEPA process at the 2008 NEPA Community Meeting.

In offering advice on considerations by the courts, Rick suggested that if a NEPA document is challenged, a court might ask: Do the alternatives make sense vis-à-vis the purpose and need? Has the agency listened to comments and taken them seriously? Has the agency been thorough? Is the EIS coherent and consistent?

*On behalf of the DOE NEPA Community, the Office of NEPA Policy and Compliance wishes Rick success and fulfillment in his future endeavors.*

*(continued on next page)*

I believe in NEPA. I believe that making the Federal government consider and publically share the environmental consequences of its conduct works to serve the aims of Federal governance, the concerns of affected communities, and the voiceless but dependent denizens with whom we share this good earth.

I have never seen NEPA fail to make an agency think, and then think twice; and I believe this can only be good.

The only real problem with NEPA is that it costs a lot and takes time. Unfortunately, these issues, especially in times of perceived economic crisis such as the present, make NEPA vulnerable to exigency. The solution to these problems lie with you, the practitioners of this rare craft that I now leave behind. Tomorrow, you will have no choice but to be briefer and faster, to cost less and inform more clearly. The challenge to NEPA in the future will not lie in the science or the law, but in the mechanics of execution and communication.

I will miss the fray and I will miss all of you. It has been a joy to work with you.

– Rick Ahern  
August 2011



## Transitions *(continued from previous page)*

### NEPA Compliance Officer Transitions

#### Livermore Site Office: Dan Culver

**Daniel Culver** has been designated as NEPA Compliance Officer (NCO) for the National Nuclear Security Administration's (NNSA's) Livermore Site Office. He joined the Office in May 2010 as an attorney after retiring from service in the U.S. Army as a judge advocate. For over 20 years, he advised environmental specialists and represented the Army in NEPA and other environmental matters in several states and the Pacific Territories. As a new NCO, Dan says that he is thankful for the advice and support of the Livermore and NNSA environmental staffs as he learns to actually do the things he talked and wrote about for so long. He can be reached at [daniel.culver@oak.doe.gov](mailto:daniel.culver@oak.doe.gov) or 925-422-3126.

**Karin King**, who wore multiple hats while serving as NCO from 2006 through 2011, will continue to serve as the Sustainability Lead and Federal Energy Manager at the Livermore Site Office. We appreciate her many contributions to DOE's NEPA program.

#### Southwestern Power Administration: Darlene Low

**Darlene Low**, Southwestern Power Administration's Aviation, Environmental, Safety, and Health Program Manager, is resuming her role as NCO, a position she held from 2000 through 2008. Before joining Southwestern in 1989, she worked for the Alaska Power Administration, the Veterans Administration, and the U.S. Fish and Wildlife Service. She can be reached at [darlene.low@swpa.gov](mailto:darlene.low@swpa.gov) or 918-595-6750.

We thank **Larry Harp** for his 3 years of service as Southwestern's NCO. He continues to serve as Director, Division of Engineering and Planning.

#### Western Area Power Administration Names 3 NCOs

##### Desert Southwest Region: Linda Hughes

The new NCO for the Desert Southwest Region, **Linda Hughes**, just transferred to Western from the Bureau of Land Management (BLM), Gila District, Arizona. Linda brings with her 20 years of experience in natural resource management, with expertise in NEPA and planning. She has spent her first month in Western's Environmental Division learning about the operational similarities and differences between Western and BLM. Linda can be reached at [hughes@wapa.gov](mailto:hughes@wapa.gov) or 602-605-2524.

*Desert Southwest Region's former NCO, **John Holt**, continues to serve as a NEPA Document Manager.*

##### Rocky Mountain Region: Gene Iley, Jr.

The new NCO for the Rocky Mountain Region, **Gene Iley, Jr.**, has 37 years of experience in environmental compliance, the last 20 with Western. He has provided environmental guidance to Western's maintenance, construction, and property staff and integrated environmental requirements into construction and maintenance projects. Gene reports that he enjoys working with all the different folks at Western and DOE. Gene can be contacted at [iley@wapa.gov](mailto:iley@wapa.gov) or 970-461-7294.

***Jim Hartman**, Rocky Mountain Region's former NCO, now serves in Western's Natural Resources Office in Lakewood, Colorado, managing environmental projects and serving as NEPA Document Manager for many of Western's EISs.*

##### Sierra Nevada Region: Gerald (Jerry) Robbins

The new NCO for Sierra Nevada Region, **Jerry Robbins**, has 25 years of experience in managing environmental compliance, conducting remediation actions, and integrating NEPA requirements into construction projects, as an environmental consultant and with the Department of Defense and the Department of the Interior. Most recently, for the Bureau of Reclamation, he managed NEPA programs involving agricultural drainage and the expansion of water reservoirs, and led the Hazardous Materials Group. He is a Registered Geologist and Registered Environmental Assessor in the State of California. He can be contacted at [grobbins@wapa.gov](mailto:grobbins@wapa.gov) or 916-353-4032.

*We congratulate Sierra Nevada Region's former NCO, **Steve Tuggle**, who was recently promoted to supervisor of the Technical Support Group for the Maintenance Organization.*

*(continued on next page)*



## Transitions *(continued from previous page)*

### Farewell to Long-term NCO Elizabeth Withers

On behalf of the DOE NEPA Community, we offer best wishes to **Elizabeth Withers** on retirement, along with gratitude for her many contributions to DOE's NEPA compliance program. As NCO for the Los Alamos Site Office for 11 years and then for the National Nuclear Security Administration's Service Center in Albuquerque for 5 years, she managed major NEPA reviews, including two site-wide EISs for the Los Alamos National Laboratory (LANL), the EIS for the conveyance and transfer of certain land tracts at LANL, a special environmental analysis for emergency actions taken at LANL after the 2000 Cerro Grande fire in New Mexico, the EIS for the Chemistry and Metallurgy Research Building Replacement Project (CMRR), and the just-completed Supplemental EIS for the Nuclear Facility Portion of CMRR. Elizabeth also served on the team that established the DOE-wide NEPA contracts, contributed to DOE's NEPA guidance and rulemaking efforts, and shared her considerable experience through presentations at numerous NCO meetings.

### Also Retiring

*On behalf of the DOE NEPA Community, the Office of NEPA Policy and Compliance offers best wishes in retirement to two former NCOs.*

**Tony Como**, who served as the first NCO for the Office of Electricity Delivery and Energy Reliability (OE) from 2006 to 2007, and more recently as OE's Director for Permitting and Siting, retired in August. As NEPA Document Manager for the Office of Fossil Energy and OE, he managed the preparation of major EISs, including for the sale of Naval Petroleum Reserve No. 1 and for Presidential permits for transboundary transmission lines.


**Mike Mazaleski** was the NCO for the Office of Nonproliferation and National Security starting in 1994 and then for the Office of Intelligence from the organization's establishment in 1998 until his recent retirement.

## EPA/Office of Federal Activities: NEPA Director Robert Hargrove Retires



**Robert Hargrove**, Director of the Environmental Protection Agency's (EPA's) NEPA Compliance Division, recently retired after 32 years of dedicated Federal service. Mr. Hargrove began his career in 1979 as an environmental reviewer and EIS project manager with EPA Region 2 in New York. In 2004, Mr. Hargrove became Director, NEPA Compliance Division, Office of Federal Activities, at EPA headquarters in Washington, DC. In this position, he advanced EPA's NEPA compliance program, served on national work groups for developing policy and guidance, and provided numerous training courses on NEPA and environmental impact assessment techniques. Mr. Hargrove received many awards for his accomplishments at EPA, including a Gold Medal for developing NEPAassist, an environmental Geographic Information System application ([LLQR, September 2008, page 1](#), and [December 2008, page 7](#)), and the Administrator's Award for Excellence in Management.

*On behalf of the DOE NEPA Community, the Office of NEPA Policy and Compliance conveys our appreciation for his achievements and best wishes in his retirement.*

**Cliff Rader**, a senior member of the NEPA Compliance Division, now serves as its Acting Director. Mr. Rader joined the EPA Headquarters Office of Water in 1988, after several years as a wetlands and NEPA specialist for the U.S. Army Corps of Engineers, Los Angeles District. 

# Training Opportunities

NEPA-related courses are listed in the Lessons Learned Quarterly Report for information purposes only. This listing is not an endorsement of any of the training or entities listed. Cost and schedule information are subject to change; check with the course provider.

- Environmental Protection Agency  
Office of Federal Activities  
202-564-6069  
[mims.alice@epa.gov](mailto:mims.alice@epa.gov)  
[www.netionline.com/default.asp](http://www.netionline.com/default.asp)  
  
**NEPA (Overview of NEPA Process) – Recorded Webinar (LIS155R)**  
June 2 – September 30  
No Fee
- EOS Alliance  
425-270-3274  
[pt@nwetc.org](mailto:pt@nwetc.org)  
[www.eosalliance.org/schedule/calendar/courses-eos](http://www.eosalliance.org/schedule/calendar/courses-eos)  
  
**NEPA and CEQA Training**  
Oakland, CA: October 25-26  
\$545 (GSA contract: \$445)  
  
**NEPA: Writing the Perfect EA/FONSI or EIS**  
Richland, WA: November 8-9  
\$495 (GSA contract: \$395) until 9/10/11  
Pasadena, CA: November 30-December 1  
\$495 (GSA contract: \$395) until 10/29/11
- Graduate School  
888-744-4723  
[customersupport@graduateschool.edu](mailto:customersupport@graduateschool.edu)  
[www.graduateschool.edu/course\\_details.php?cid=ENVS4435E](http://www.graduateschool.edu/course_details.php?cid=ENVS4435E)  
  
**NEPA: Policy, Procedure, Science, and Art**  
Washington, DC: Tuesdays,  
September 20 – November 22  
\$375
- Nicholas School of the Environment and Earth Sciences, Duke University  
919-613-8082  
[del@nicholas.duke.edu](mailto:del@nicholas.duke.edu)  
[www.nicholas.duke.edu/del/executiveed/courses](http://www.nicholas.duke.edu/del/executiveed/courses)  
  
**Accounting for Cumulative Effects in the NEPA Process and Mitigation and Monitoring**  
Durham, NC: September 12-16  
\$2,610  
  
**Implementation of NEPA**  
Durham, NC: October 31 – November 4  
\$1,400 until 10/3/11
- **Health Impact Assessment and NEPA and Climate Change under NEPA**  
Durham, NC: November 14-18  
\$2,520 until 10/17/11  
  
**Certificate in the National Environmental Policy Act**  
Requires successful completion of one core and three elective NEPA short courses.  
Co-sponsored by the Council on Environmental Quality.  
Fee: Included in course registration.
- The Shipley Group  
888-270-2157 or 801-447-5977  
[shipley@shipleygroup.com](mailto:shipley@shipleygroup.com)  
[www.shipleygroup.com](http://www.shipleygroup.com)  
  
**Applying the NEPA Process: Emphasis on Native American Issues**  
Salt Lake City, UT: September 13-15  
\$985 (GSA contract: \$895)  
Ocean Shores, WA: October 25-27  
\$945 (GSA contract: \$855) until 9/13/11  
  
**NEPA Executive Overview and Managing NEPA Projects and Teams**  
Seattle, WA: September 13-16  
\$1,185 (GSA contract: \$1,095)  
  
**Applying the NEPA Process and Writing Effective NEPA Documents**  
Las Vegas, NV: September 20-23  
\$1,185 (GSA contract: \$1,095)  
Baltimore, MD: January 10-13  
\$1,145 (GSA contract: \$1,055) until 11/29/11  
  
**NEPA Cumulative Effects Analysis and Documentation and NEPA Climate Change Analysis and Documentation**  
Portland, OR: October 4-7  
\$1,185 (GSA contract: \$1,095)  
Atlanta, GA: January 24-27  
\$1,145 (GSA contract: \$1,055) until 12/13/11  
  
**Overview of the NEPA Process**  
Atlanta, GA: October 11  
\$385 (GSA contract: \$295)  
  
**Core Principles: Telling the NEPA Story, Keeping Documents Brief, Meeting Legal Requirements**  
Missoula, MT: October 18-20  
\$945 (GSA contract: \$855) until 9/6/11

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# Training Opportunities

(continued from previous page)

## **Clear Writing for NEPA Specialists and Collaboration in the NEPA Process**

St. Louis, MO: October 24-28  
\$1,385 (GSA contract: \$1,295)

## **Application of GIS and Graphics in NEPA Documents**

Phoenix, AZ: October 25-27  
\$985 (GSA contract: \$895)

## **Applying the NEPA Process and Writing Effective NEPA Documents and NEPA Cumulative Effects Analysis and Documentation**

Salt Lake City, UT: October 31 – November 4  
\$1,345 (GSA contract: \$1,255) until 9/19/11  
St. Louis, MO: November 14-18  
\$1,345 (GSA contract: \$1,255) until 10/3/11

## **NEPA Cumulative Effects Analysis and Documentation**

Salt Lake City, UT: November 3-4  
\$745 (GSA contract: \$655) until 9/21/11

## **Overview of the NEPA Process and Cultural and Natural Resource Management**

San Francisco, CA: November 29 – December 2  
\$1,145 (GSA contract: \$1,055) until 10/18/11

## **Clear Writing for NEPA Specialists**

Bountiful, UT: December 13-15  
\$945 (GSA contract: \$855) until 11/1/11

## **NEPA Certificate Program**

Requires successful completion of eight  
courses offered by The Shipley Group.  
\$5,450

Contact: NEPA Certificate Program,  
Utah State University; 435-797-0922  
[judy.kurtzman@usu.edu](mailto:judy.kurtzman@usu.edu)  
[www.cnr.usu.edu/htm/students/grad-degrees/  
nepa](http://www.cnr.usu.edu/htm/students/grad-degrees/nepa)

- US Institute for Environmental Conflict Resolution  
(520) 901-8501  
[usiocr@ecr.gov](mailto:usiocr@ecr.gov)  
[www.ecr.gov/training/training.aspx](http://www.ecr.gov/training/training.aspx)

## **Collaboration Skills for Environmental Professionals**

Denver, CO: September 13-15  
\$750  
Sausalito, CA: December 6-8  
\$928

## **Effective Tribal Consultation\***

Albuquerque, NM: September 27-29  
Washington, DC: November 1-3  
\$750

## **Advanced Multi-Party Negotiation of Environmental Disputes**

Albuquerque, NM: October 25-27  
\$750

## **Collaboration Skills for Environmental Leaders**

Sausalito, CA: November 15-17  
\$928

## Customized NEPA Training

- Environmental Impact Training  
512-963-1962  
[info@eiatraining.com](mailto:info@eiatraining.com)  
[www.eiatraining.com](http://www.eiatraining.com)
- Environmental Planning Strategies, Inc.  
563-332-6870  
[jleeeeps@mchsi.com](mailto:jleeeeps@mchsi.com)  
[www.jlee-eps.com/workshops.php](http://www.jlee-eps.com/workshops.php)
- Environmental Training & Consulting  
International Inc.  
503-274-1790  
[info@envirotrain.com](mailto:info@envirotrain.com)  
[www.envirotrain.com](http://www.envirotrain.com)
- ICF International  
916-737-3000  
[www.icfi.com/events/education-and-training](http://www.icfi.com/events/education-and-training)
- International Institute for Indigenous  
Resource Management  
303-733-0481  
[iiirm@iiirm.org](mailto:iiirm@iiirm.org)  
[www.iiirm.org](http://www.iiirm.org)
- SWCA Environmental Consultants  
800-828-7991  
[training@swca.com](mailto:training@swca.com)  
[www.swca.com/index.php/training/course-catalog](http://www.swca.com/index.php/training/course-catalog)

\* Hosted by the Department of Energy



# EAs and EISs Completed April 1 to June 30, 2011

## EAs

### **Bonneville Power Administration**

[DOE/EA-1731\\*](#) (5/17/11)

*Walla Walla-Tucannon River Transmission Line Rebuild Project, Walla Walla and Columbia Counties, Washington*

Cost: \$120,000

Time: 17 months

[DOE/EA-1739\\*](#) (5/3/11)

*Bandon-Rogue Transmission Line Rebuild Project, Towns of Bandon and Nesika Beach, Oregon*

Cost: \$5,000

Time: 16 months

### **Brookhaven Site Office/Office of Science**

[DOE/EA-1854](#) (6/29/11)

*Waste Water Treatment Modifications for Improved Effluent Compliance, Brookhaven National Laboratory Sewage Treatment Plant, Upton, New York*

Cost: \$29,000

Time: 6 months

### **Golden Field Office/Office of Energy Efficiency and Renewable Energy**

[DOE/EA-1858](#) (6/3/11)

*Nippon Paper Industries USA, Company Biomass Cogeneration Project, Port Angeles, Clallam County, Washington*

Cost: \$120,000

Time: 5 months

[DOE/EA-1859\\*](#) (5/25/11)

*Kirkwood Community College Wind Turbine Project, Cedar Rapids, Iowa*

Cost: \$42,000

Time: 8 months

[DOE/EA-1875\\*](#) (6/2/11)

*The Jackson Laboratory Biomass Energy Center Project, Bar Harbor, Maine*

Cost: \$65,000

Time: 10 months

### **Office of Legacy Management**

[DOE/EA-1770](#) (6/9/11)

*Photovoltaic Solar Project at the Durango Disposal Site, Colorado*

Cost: \$94,000

Time: 14 months

### **Office of Loan Programs**

[DOE/EA-1795\\*](#) (4/18/11)

*Loan Guarantee to Diamond Green Diesel, LLC for Construction of the Diamond Green Diesel Facility, Norco, Louisiana*

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

Time: 10 months

[DOE/EA-1839\\*](#) (4/28/11)

*Loan Guarantee to Cogentrix of Alamosa, LLC for Construction of the Cogentrix Solar Project, Alamosa, Colorado*

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

Time: 7 months

[DOE/EA-1848\\*](#) (6/21/11)

*Loan Guarantee to Fulcrum Sierra BioFuels, LLC for a Waste-to-Ethanol Facility, McCarran, Storey County, Nevada*

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

Time: 7 months

### **National Energy Technology Laboratory/ Office of Electricity Delivery and Energy Reliability**

[DOE/EA-1753\\*](#) (4/27/11)

*Beacon Power Corporation Flywheel Frequency Regulation Plant, Chicago Heights, Illinois (Site 1) and Hazle Township, Pennsylvania (Site 2)*

Cost: \$52,000

Time: 13 months

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\* Recovery Act project

# EAs and EISs Completed April 1 to June 30, 2011

(continued from previous page)

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

DOE/EA-1828\* (5/3/11)

*Industrial Carbon Capture and Sequestration (ICCS)  
Area 1 Project, "CO<sub>2</sub> Capture from Biofuels  
Production and Sequestration into the Mt. Simon  
Sandstone," Decatur, Illinois*

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

Time: 9 months

## Oak Ridge Office/Office of Science

DOE/EA-1764 (6/10/11)

*Spruce and Peatland Responses Under  
Climatic and Environmental Change Experiment  
(SPRUCE) at the Marcell Experimental Forest,  
Itasca County, Minnesota*

Cost: \$87,000

Time: 15 months

## Rocky Flats Field Office/ Office of Legacy Management

DOE/EA-1747 (5/31/11)

*Rocky Flats Site Surface Water Configuration,  
Jefferson County, Colorado*

Cost: \$300,000

Time: 16 months

## EISs

### Bonneville Power Administration

DOE/EIS-0421 (76 FR 41791, 6/15/2011)

(EPA Rating: LO)

*Big Eddy-Knight Transmission Project,  
Oregon and Washington*

Cost: \$1,405,000

Time: 24 months

## Office of Loan Programs

DOE/EIS-0448\* (76 FR 37111, 6/24/11)

(EPA Rating: EC-2)

*Desert Sunlight Solar Farm Project, Riverside  
County, California*

EIS was adopted; therefore cost and time data are  
not applicable. [Department of the Interior's Bureau  
of Land Management was the lead agency; DOE  
was a cooperating agency.]

## Western Area Power Administration

DOE/EIS-0435 (76 FR 32197, 6/3/11)

(EPA Rating: EC-2)

*Modification of the Groton Generation Station  
Interconnection Agreement, Brown County,  
South Dakota*

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

Time: 21 months

DOE/EIS-0439\* (76 FR 34072, 6/10/11)

(EPA Rating: EC-2)

*Rice Solar Energy Project, Riverside County,  
California*

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

Time: 15 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](http://www.epa.gov/compliance/nepa/comments/ratings.html).)

\* Recovery Act project

# NEPA Document Cost and Time Facts

## EA Cost and Completion Times

- For this quarter, the median cost for the preparation of 10 EAs for which cost data were applicable was \$75,000; the average cost was \$90,000.
- Cumulatively, for the 12 months that ended June 30, 2011, the median cost for the preparation of 55 EAs for which cost data were applicable was \$49,000; the average was \$87,000.
- For this quarter, the median completion time of 14 EAs for which time data were applicable was 10 months; the average was 11 months.
- Cumulatively, for the 12 months that ended June 30, 2011, the median and average completion times for 67 EAs were 9 months.

## EIS Cost and Completion Times

- For this quarter, the cost of one EIS for which cost data were applicable was \$1.4 million.
- Cumulatively, for the 12 months that ended June 30, 2011, the median cost for the preparation of 5 EISs for which cost data were applicable was \$2 million; the average was \$2.1 million.
- For this quarter, the median completion time of 3 EISs for which time data were applicable was 21 months; the average was 20 months.
- Cumulatively, for the 12 months that ended June 30, 2011, the median completion time for 8 EISs was 21 months; the average was 25 months.

## Recent EIS-Related Milestones June 1 to August 31, 2011

### Notices of Intent

#### Office of Legacy Management

DOE/EIS-0472

*Programmatic Environmental Impact Statement for the Uranium Leasing Program, Colorado*  
June 2011 ([76 FR 36097](#), 6/21/11; [76 FR 43678](#), 7/21/11, notice of public scoping meetings and extension of scoping period)

#### National Nuclear Security Administration/ Sandia Site Office

DOE/EIS-0466

*Site-wide Environmental Impact Statement for Ongoing Operations at Sandia National Laboratories, Albuquerque, New Mexico*  
June 2011 ([76 FR 37100](#), 6/24/11; [76 FR 50212](#), 8/12/11, reopening of scoping period)

#### Western Area Power Administration

DOE/EIS-0469

*Wilton IV Wind Energy Center Project and Lifting of the 50 Average Annual Megawatt Generation Cap on the Existing Wilton I, Wilton II, and Baldwin Wind Energy Center Projects, Burleigh County, North Dakota*  
July 2011 ([76 FR 43324](#), 7/20/11)

### Notice of Cancellation

#### Western Area Power Administration

DOE/EIS-0462

*Crowned Ridge Wind Energy Center Project, Grant and Codington Counties, South Dakota*  
July 2011 ([76 FR 40354](#), 7/8/11)

### Reopening of Scoping Period

#### Office of Electricity Delivery and Energy Reliability

DOE/EIS-0463

*Presidential Permit Application for the Northern Pass Transmission Project, New Hampshire*  
June 2011 ([76 FR 34969](#), 6/15/11)

### Draft EISs

#### Bonneville Power Administration

DOE/EIS-0425

*Mid-Columbia Coho Restoration Project, Okanogan County, Washington*  
June 2011 ([76 FR 37111](#), 6/24/11)

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# Recent EIS-Related Milestones

## June 1 to August 31, 2011 *(continued from previous page)*

### **National Nuclear Security Administration/ Nevada National Security Site**

[DOE/EIS-0426](#)

*Site-wide Environmental Impact Statement for the Continued Operation of the Department of Energy/National Nuclear Security Administration Nevada National Security Site and Off-Site Locations, Nevada*  
July 2011 ([76 FR 45548](#), 7/29/11)

### **Final EISs**

#### **Office of Fossil Energy**

[DOE/EIS-0444](#)

*Texas Clean Energy Project, Ector County, Texas*  
August 2011 ([76 FR 47578](#), 8/5/11)

#### **Office of Loan Programs**

[DOE/EIS-0458\\*](#)

*Loan Guarantee for the Topaz Solar Farm, San Luis Obispo County, California*  
August 2011 ([76 FR 50213](#), 8/12/11)

### **Record of Decision**

#### **National Nuclear Security Administration/ Y-12 Site Office**

[DOE/EIS-0387](#)

*Site-wide Environmental Impact Statement for the Y-12 National Security Complex, Oak Ridge, Tennessee*  
July 2011 ([76 FR 43319](#), 7/20/11)

### **Amended Records of Decision**

#### **National Nuclear Security Administration**

[DOE/EIS-0240](#)

*Disposition of Surplus Highly Enriched Uranium-American Assured Fuel Supply*  
August 2011 ([76 FR 51358](#), 8/18/11)

#### **National Nuclear Security Administration/ Los Alamos Site Office**

[DOE/EIS-0380](#)

*Site-wide Environmental Impact Statement for Continued Operation of Los Alamos National Laboratory, Los Alamos, New Mexico*  
July 2011 ([76 FR 40352](#), 7/8/11)

\* Recovery Act project

### **Supplement Analyses**

#### **Bonneville Power Administration**

##### **Transmission System Vegetation Management Program**

([DOE/EIS-0285](#))

[DOE/EIS-0285-SA-448](#)

*Vegetation Management along the Pearl-Marion No.1 500-kV Transmission Line Corridor Rights-of-Way, Clackamas and Marion Counties, Oregon*  
(Decision: No further NEPA review required.)  
August 2011

#### **Office of Electricity Delivery and Energy Reliability**

##### **Montana Alberta Tie Ltd. (MATL)**

##### **230-kV Transmission Line**

([DOE/EIS-0399](#))

[DOE/EIS-0399-SA-01](#)

*Supplement Analysis for the Montana-Alberta Tie Ltd. 230-kV Transmission Line Project, Great Falls, Montana*  
(Decision: No further NEPA review required.)  
August 2011

#### **Office of Energy Efficiency and Renewable Energy**

##### **Abengoa Biorefinery Project**

([DOE/EIS-0407](#))

[DOE/EIS-0407-SA-01](#)

*Supplement Analysis for the Final Environmental Impact Statement for the Proposed Abengoa Biorefinery Project, Hugoton, Stevens County, Kansas*  
(Decision: No further NEPA review required.)  
July 2011

## 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

- *Proactive meetings.* Holding preliminary meetings with stakeholders to discuss alternatives benefitted the scoping process.
- *Evaluation process.* DOE's process of evaluating environmental issues provided the background for developing an effective EA.
- *Public input.* In response to public comment, the proposed action was modified.

## Data Collection/Analysis

### What Worked

- *Impact analysis.* Local regulators identified areas of concern for greater attention in the impact analysis, such as visual impacts.
- *Adequate analysis.* The science involved in the analysis was sufficient to show impacts would not be significant, but the public was very vocal in opposition to the proposed action.

### What Didn't Work

- *Site access.* DOE lacked permission to enter private property for about half of the project, which hindered scientific surveys. Much of the work was done from roadsides with binoculars, aerial photography, maps, databases and other sources.
- *EA presentation.* The use of additional graphics would have been beneficial to this EA which dealt with surface water.
- *Additional analysis needs unclear.* It was unclear if additional sampling was needed.

## Schedule

### Factors that Facilitated Timely Completion of Documents

- *Key assignments.* Key staff were dedicated to the project throughout a critical period due to its high priority.
- *Prepared applicant.* The applicant entered the NEPA process with a significant amount of environmental work completed as a result of going through the local permitting processes.
- *Review schedule and meetings.* Concurrent reviews and bi-weekly meetings were used to discuss comments, resolve issues, and keep the EA on schedule.
- *General Counsel review.* The document was shared with HQ General Counsel before the EA was finalized.
- *Work ethic.* The NEPA Document Manager worked extra hours throughout the project's development and did not take much annual leave to keep up with the workload.
- *Steady communication.* Weekly meetings were held or emails were sent on the progression of the EA. Constant communication was key to the success of this project.
- *Project schedule.* The team was aware of the schedule from the beginning of the project.

### Factors that Inhibited Timely Completion of Documents

- *Timeframe.* The project's schedule contributed to the NEPA process being on the critical path.
- *Multiple adjustments.* Project adjustments that occurred due to public/agency input, complicated issues, and multiple agency involvement inhibited timely completion of the EA.
- *Scoping process.* It took several months to schedule EA scoping meetings with county, state and other affected parties. Additionally, the comment resolution process took longer than anticipated to complete.

*(continued on next page)*

# Questionnaire Results

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

- *HQ review.* For this EA delegated to the field, there were issues in terms of whether HQ needed to review the document.
- *Communication set-backs.* Timely completion was made difficult due to communication issues, availability of other agencies, and the time it took to educate the applicant.
- *Employee workload.* The workload of other employees delayed receipt of needed information and reviews.
- *Schedule.* The timeline was extremely short and deadlines on other projects may have been missed as a result.
- *Personnel shortage.* Staff shortage was an issue mainly for sister agencies. In addition, personnel changes slowed down progress even more.
- *Workload issues.* Staff, including the NCO and legal counsel, were too busy.

## Teamwork

### Factors that Facilitated Effective Teamwork

- *Open discussions.* Holding numerous candid discussions and meetings helped in the planning effort.
- *Use of outlines.* The contractor prepared an annotated outline that was approved by DOE and used by the team to prepare the EA.
- *DOE process.* The legal work of the Environmental Management Consolidated Business Center in bringing in General Counsel certainly is commendable and facilitated teamwork.
- *Review process.* Holding concurrent reviews and frequent meetings facilitated teamwork.
- *Local contractors.* The use of local contractors allowed for quick responses to field visits when design changes were needed.
- *Staff collaboration.* Using two DOE offices on the project was beneficial. One office handled lead agency tasks, while the other was available for questions.
- *Teamwork.* The contractor worked closely together with the DOE team in formulating the EA, as well as in responding to public comments. This teamwork resulted in a product that was technically correct, as well as easily understandable to the public.
- *Effective communication.* Investment staff and project managers kept NEPA staff in the loop and informed of project news and site visits.

### Factors that Inhibited Effective Teamwork

- *Contractor experience.* There were too many inexperienced specialists doing the field work and the contractor's products were of unsatisfactory quality.
- *Late review.* The late submittal of the EA for legal review inhibited any in-depth challenges to the methodology of the project.
- *Lack of meetings.* There were not enough project meetings, so coordination was difficult.

## Process

### Successful Aspects of the Public Participation Process

- *Open house format.* The open house style EIS public meetings were well attended and allowed for personal interaction of landowners with engineers, realty specialists, and environmental staff. Though the public expressed opposition to the project, having the right staff to discuss concerns with the landowners was appreciated and provided good information about issues to be addressed.
- *Successful planning.* The public scoping meeting was well planned and was well received by the public. Public attendees spoke freely and good comments were made.
- *Public comments applied.* Public comments contributed to a change in the proposed action of the EA.
- *Public outreach.* The public was more accustomed to the CERCLA process than the NEPA process at this site. During public meetings it was often necessary to explain the NEPA process in relation to how it differs from CERCLA. DOE was liberal in its interpretation of the public requirements in relation to the public meetings for an EA in order to meet the public's needs.
- *Scoping meetings.* While on site the project team provided a good tour and discussion throughout the scoping meetings.
- *Good communication.* The public felt they had access to the correct staff for their issues and adequate communication.
- *Public appreciation.* The public seemed to appreciate the process.

*(continued on next page)*

# Questionnaire Results

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

- *Adaptive Management.* Public interest in the project was very high, with resistance to the proposed action. DOE worked with the public to develop an Adaptive Management Plan (AMP) to address concerns about residual contamination of surface water. DOE is reporting the results of this monitoring on a “real time” basis and sending notification of availability to all AMP parties. The AMP will serve to continue providing information to the public throughout the duration of the project (up to 2020).
- *Early stakeholder input.* Early involvement with stakeholders on the proposed action made the public participation process useful to all parties.
- *Online NEPA resources.* Guidance tools provided on the DOE NEPA Website were of great use throughout the project.
- *Stakeholder communication.* Part of the NEPA process involves early public participation and open dialogue. DOE made information available to the public (primarily representatives from surrounding community governments). The open dialogue helped facilitate understanding of the proposed action, and diffused confrontational action.
- *Minimizing impacts.* Completion of the NEPA process ensured that the project would be constructed and operated with minimal impacts to the environment.

### Unsuccessful Aspects of the Public Participation Process

- *Mixed reaction.* Some appreciated DOE's efforts and the EIS process, and thought the documents were well written. Others thought that DOE gave public landowners priority and were frustrated that part of the project was routed through their area.
- *Public interest.* The public did not have a significant reaction to the document.
- *Small public response.* There was not much participation, possibly due to members of the public not being located near the project area.

## Usefulness

### Agency Planning and Decisionmaking: What Worked

- *Routes identified.* The NEPA process was instrumental in determining viable transmission line routes and design. It was also vital for informing the public and getting support from numerous agencies and tribes.
- *Communication platform.* The NEPA process established a framework to engage the public and obtain valuable feedback.
- *NEPA process.* The NEPA process helped resolve some issues that arose during project development.
- *Mitigation measures identified.* The NEPA process influenced mitigation, including agency best management practices.
- *Potential impacts identified.* The NEPA process helped outline possible impacts of the project.

## Enhancement/Protection of the Environment

- *Selected alternatives.* The selected alternative avoided high quality habitats and utilized existing DOE-owned property for half of the transmission line route. DOE also decided to tear down and rebuild portions of other transmission lines in order to place both the existing and new line on the same set of towers, lessening footprint and visual impacts.
- *Minor impacts.* Impacts to the environment were negligible.
- *Mitigation input.* Mitigation was influenced by input from stakeholders, including local, state and federal agencies, and landowners.
- *State NEPA process.* Many mitigation measures were put into place as a result of the state NEPA process.
- *Added habitat.* The project will provide additional habitat for a critically listed species, and additional wetland areas.
- *Permitting process.* Due to the project's location, anticipated impacts, and permit process requirements, there was no real need for further mitigation.

## Other Issues

### Guidance Needs Identified

- *Legal review.* Guidance on when an HQ legal review is warranted could be developed.

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

#### Effectiveness of the NEPA Process

For the purposes of this section, “effective” means that the NEPA process was rated 3, 4, or 5 on a scale from 0 to 5, with 0 meaning “not effective at all” and 5 meaning “highly effective” with respect to its influence on decisionmaking.

- For the past quarter, in which 9 questionnaire responses were received for EAs and EISs, 7 out of 9 respondents rated the NEPA process as “effective.”
- A respondent who rated the process as “5” stated that it was through the NEPA process that the project design was developed and problems were resolved prior to start of construction.
- A respondent who rated the process as “4” stated that the project benefitted greatly from the General Counsel’s decision to review the EA before it was issued.
- A respondent who rated the process as “4” stated that since it was necessary to rebuild an existing facility the NEPA process influenced how it was done, not so much if it would be done.
- A respondent who rated the process as “4” stated that NEPA creates a mechanism for evaluating impacts early in the planning stages and helps eliminate surprises.
- A respondent who rated the process as “3.5” stated that DOE was pro-active in assessing the potential impacts associated with the project.
- A respondent who rated the process as “3” stated that it was hard to say how much NEPA affected the overall decision since there were not many adverse impacts and there was no reason not to go forward with the project.
- A respondent who rated the process as “3” stated that the project was fairly straightforward.
- A respondent who rated the process as “2” stated that the project was small, well-sited, and had little to no emissions.