NEPA

National Environmental Policy Act

LESSONS LEARNED

U.S. DEPARTMENT OF ENERGY QUARTERLY REPORT

March 1, 2017; Issue No. 90 First Quarter FY 2017

To Prepare NEPA Documents Efficiently, Focus on What Is Important

NEPA regulations and guidance emphasize clear, concise writing that presents the reader with useful information. "Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail," state the CEQ NEPA regulations (40 CFR 1500.1(b)). "Impacts shall be discussed in proportion to their significance. There shall be only brief discussion of other than significant issues" (40 CFR 1502.2(b)). EISs "shall be kept concise" (40 CFR 1502.2(c)).

DOE guidance elaborates that an EA or EIS should discuss the issues and potential impacts "with the amount of detail commensurate with their importance." This concept is sometimes referred to as "proportionality."[1] "Proposals with clearly small environmental impacts usually will require less depth and breadth of analysis either in identifying alternatives or analyzing their [potential] impacts (though the analysis still must satisfy all NEPA requirements). Conversely, as proposals fall increasingly closer to the high end of the continuum of potential environmental impacts, the depth and breadth of analysis will increase," explains DOE's *Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements* (December 2004).

Start with Scoping

The scoping process provides the best opportunity to determine the appropriate level of detail for each topic that will be addressed in a NEPA document. Simply put, the process should be more efficient the earlier such decisions are made. However, it is also important to consider new information as it becomes available throughout the NEPA review and adapt the approach as needed to best inform decisionmaking.

Applying good professional judgment in deciding what issues and potential impacts to analyze in detail is essential when preparing an EA or EIS. A NEPA Document Manager, assisted by the NEPA Compliance Officer, should manage the scope of the EA or EIS to focus the analysis and eliminate the potential for encyclopedic descriptions of issues and impacts that are minor or negligible. Use the concept of proportionality to efficiently prepare EAs and EISs by minimizing inclusion of unimportant details and focusing the analysis on potential impacts that are important to the decision.

> ***Identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review … narrowing the discussion of these issues in the [EIS] to a brief presentation of why they will not have a significant effect on the human environment or providing a reference to their coverage elsewhere.***
>
> *– CEQ NEPA regulations, 40 CFR 1501.7(a)(3)*

Examples from DOE Practice

Data collection and analysis should be prioritized based on the significance of potential environmental impacts on a resource area. When it is clear from the project's context that impacts would be absent (e.g., a resource is not present), the EA or EIS may include a brief negative declaration, such as, "There are no wetlands in the study area, therefore wetlands are not further discussed in this NEPA analysis." Provide appropriate references, consultation letters, or explanation to support

(continued on page 6)

[1] DOE has at times referred to this concept as the sliding-scale principle. The meaning has not changed, but proportionality has become a more commonly used term. The same concept also is sometimes referred to as a graded or tailored approach.

Inside *Lessons Learned*

Welcome to the 90th quarterly report on lessons learned in the NEPA process. This issue highlights approaches DOE uses to attain an efficient and effective NEPA process. Thank you for your continued support of the Lessons Learned program. As always, we welcome your suggestions for improvement.

Brian Costner
Acting Director
Office of NEPA Policy and Compliance

Be Part of Lessons Learned

We Welcome Your Contributions to *LLQR*

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

Quarterly Questionnaires Due May 1, 2017

For NEPA documents completed January 1 through March 31, 2017, NEPA Document Managers and NEPA Compliance Officers should submit a Lessons Learned Questionnaire as soon as possible after document completion, but not later than May 1. Other document preparation team members are encouraged to submit a questionnaire, too. Contact askNEPA@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. To be notified via email when a new issue is available, send your email address to yardena.mansoor@hq.doe.gov. (DOE provides paper copies only on request.)

National Environmental Justice Conference & Training Program Washington, DC; March 8–10

2017 National Environmental Justice Conference & Training Program

Enhancing Communities through Capacity Building and Technical Assistance is the theme of the 2017 National Environmental Justice Conference and Training Program, which will be held on March 8–10 in Washington, DC. The annual conference, sponsored jointly by DOE and other federal agencies with academic and private sector partners, is free to government employees, community organizations, students, and faculty. On the second day of the conference, Denise Freeman, Office of NEPA Policy and Compliance and co-chair of the NEPA Committee of the Federal Interagency Working Group on Environmental Justice, will present a workshop entitled "NEPA & EJ: Leveraging Federal Resources to Advance Community Environmental, Economic and Health Vitality." The workshop will focus on using *Promising Practices for EJ Methodologies in NEPA Reviews* (*LLQR*, March 2016, page 1) to leverage federal resources to benefit overburdened and underserved populations. Additional information and online registration are available through the conference website.

National Association of Environmental Professionals (NAEP) Annual Conference Durham, North Carolina; March 27–30

NAEP will hold its 42nd annual conference under the theme of *An Environmental Crossroads: Navigating Our Ever-Changing Regulatory Landscape*. Planned NEPA-related sessions include: incorporating ecosystem services into NEPA, case law updates, case studies and best practices, adaptive management, and tribal affairs. Ted Boling, the Council on Environmental Quality (CEQ) Associate Director for NEPA, will lead a presentation on developments at CEQ. The agenda and registration information are available on the NAEP conference website. Attendance is open to environmental professionals in all levels of government, academia, and the private sector.

The listing of any privately sponsored conferences or training events should not be interpreted as an endorsement of the conference or training by the government.

NEPA's Workhorse: CX Determinations

A "categorical exclusion" (CX) is a category of actions that do not individually or cumulatively have a significant effect on the human environment, and for which, therefore, neither an environmental assessment (EA) nor environmental impact statement (EIS) is required. A CX does not apply to an otherwise normally excluded action if there are extraordinary circumstances such that the action may have a significant environmental effect (40 CFR 1508.4).

CXs have proven to be the appropriate level of NEPA review for the very large majority of DOE's activities. Roughly 98 percent of DOE's proposed actions are addressed through CX determinations, as compared to approximately 1.5 percent through EAs and 0.5 percent through EISs.

Development and Implementation

DOE CXs are developed through a public rulemaking, and they are applied by the Department's NEPA Compliance Officers (NCOs). DOE last updated its CXs in 2011 by expanding coverage to many small-scale renewable energy projects and research and development activities, among other changes (*LLQR*, December 2011, page 1). CXs are based on DOE's experience, including past environmental reviews; the experience of other federal agencies; technical literature; public input; and consultation with the Council on Environmental Quality.

DOE has 121 individual CXs, which fall into eight major groups: (1) general agency actions, (2) facility operations, (3) safety and health, (4) site characterization, monitoring, and general research, (5) electrical power and transmission, (6) conservation, fossil, and renewable energy activities, (7) environmental restoration and waste management activities, and (8) international activities. These CXs are listed in appendices A and B of DOE's NEPA regulations.

The individual CXs in these groups help support DOE through careful, but not overly detailed, analysis of the proposed action. That analysis is conducted by NCOs at program, site, and field offices. They review individual proposed actions to ensure that the criteria for applicable CXs are met and then, as appropriate, make a CX determination, which completes NEPA review. Depending on the complexity of the proposed action, that CX determination may be documented on a simple form or supported by technical documents. When a CX is not appropriate, the NCO can recommend preparation of an EA or EIS.

Broad Coverage and Benefits

The most frequently applied CXs[1], which are included in approximately two-thirds of all CX determinations, are:

B1.3 - Routine maintenance

B2.5 - Facility safety and environmental improvements

B3.6 - Small-scale research and development, laboratory operations, and pilot projects

B5.1 - Actions to conserve energy or water

These four CXs support a broad array of activities associated with the operation of DOE facilities, energy research and development, and energy efficiency projects. Routine activities to maintain or improve existing facilities (such as replacing safety systems or upgrading equipment), often rely on B1.3 and B2.5 CX determinations. For example, the Western Area Power Administration and Bonneville Power Administration issue CX determinations for activities that help maintain major transmission lines such as vegetation management, repairs to transmission line towers, and installation of generators.

Also, CXs B3.6 and B5.1 address a wide variety of research and energy efficiency projects that occur at DOE facilities, or at non-DOE facilities through financial assistance programs administered by DOE. For example, the Office of Energy Efficiency and Renewable Energy administers programs for renewable power; energy-saving homes, buildings, and manufacturing; and sustainable transportation. These programs rely on CX determinations to provide billions of dollars for research and development projects across the United States.

A variety of other actions that occur less frequently, but are also analyzed through CX determinations, include demolishing and disposing of buildings, performing site characterization and monitoring for environmental management activities, repairing or replacing pipelines, and installing electric vehicle charging stations. LL

[1] Refers to the most frequently applied CXs that are listed in appendix B of the DOE NEPA regulations.

DOE NEPA "Success Stories" Updated

The Office of NEPA Policy and Compliance recently updated *NEPA Success Stories from Lessons Learned Quarterly Reports*, a compilation of articles featured in *LLQR* over the past 20 years. Several articles in this collection describe how the NEPA process provided an organized structure for making some of the Department's most complex decisions. Some articles feature NEPA reviews that resulted in significant project cost savings through informed decisionmaking. Others articles highlight ways in which the NEPA process improved environmental outcomes, such as by identifying better alternatives or more effective mitigation. Still other articles put the spotlight on procedural success, such as effective public involvement, enhanced tribal consultation, and efficient analysis. LL

A Programmatic NEPA Strategy Yields Efficiency Benefits

DOE's Western Area Power Administration (WAPA) embraced a strategy of tiering EAs from a programmatic EIS to make the environmental reviews of similar specific projects more efficient. WAPA's NEPA team reports that the payoff – cost and time savings – began as soon as the programmatic EIS was completed.

Western Area Power Administration (WAPA) and the U.S. Fish and Wildlife Service (USFWS) designed a programmatic approach to streamline the NEPA review process and implement cost-effective mitigation strategies for certain wind energy projects. "The intent is to guide wind energy developers in their siting decisions towards landscapes that are more readily amenable to minimizing risks to threatened and endangered species, bald and golden eagles, migratory birds, and other important resources," said Kevin Shelley, USFWS. "In addition to environmental benefits, use of the programmatic approach can help us achieve more predictable outcomes and schedules for all stakeholders," he observed.

As joint lead agencies, WAPA and USFWS issued the *Upper Great Plains Wind Energy Programmatic EIS* (DOE/EIS-0408) in 2015. The programmatic EIS (PEIS) assessed the potential environmental impacts associated with wind energy projects that may interconnect to WAPA's transmission system within the Upper Great Plains Region. The PEIS also provided recommended best management practices (BMPs) and mitigation measures for project developers to implement (*LLQR*, September 2015, page 1).

In connection with the PEIS, WAPA completed a programmatic biological assessment, and USFWS issued a programmatic concurrence for Section 7 consultation under the Endangered Species Act (ESA). To tier from the programmatic concurrence using a streamlined format, project developers must complete "Project Consistency Evaluation" and "Species Consistency Evaluation" forms for any of the 28 listed, candidate, or proposed species that may be located within the project area. Project developers must also identify which BMPs and mitigation measures from the PEIS will be incorporated into their project.

The Interior least tern (Sternula antillarum), the smallest North American tern, is one of the species evaluated in the PEIS and programmatic biological assessent. (Photo: Robert Etzel, U.S. Army Corps of Engineers)

The project becomes included within the programmatic concurrence after the project developer, WAPA, and the local USFWS office verify that all necessary BMPs, avoidance, and minimization measures necessary for the USFWS programmatic concurrence are or will be implemented by the developer. To assist project developers, WAPA created *Guidance for Completion of Programmatic Biological Assessment Project and Species Consistency Evaluation Forms, Upper Great Plains Region Wind Energy Development Program*.

WAPA's *Willow Creek Wind Energy Facility EA* (DOE/EA-2016) (Willow Creek) was the first NEPA document tiered from the PEIS. Issued in November 2016, it incorporates by reference the PEIS resource impacts analysis and the programmatic biological assessment. The EA primarily addresses site-specific resource impacts, such as wetlands, cultural resources, and threatened and endangered species. WAPA staff plan to use the Willow Creek EA as a model for future tiered EAs.

Section 7 ESA consultation for the Willow Creek project was completed using the framework outlined in the programmatic biological assessment. The project developers completed the consistency evaluation forms and adopted all species-appropriate conservation measures. As a result, USFWS issued its "concurrence" in 5 days – far shorter than their standard formal consultation period of 145 days.

The Upper Great Plains Region has several wind farm projects in the early stages of NEPA analysis. We expect tiered EAs and streamlined programmatic Section 7 consultation to provide continued cost and time savings.

— Christina Gomer
Upper Great Plains NEPA Coordinator, WAPA

WAPA Environmental Protection Specialist and Biologist Lou Hanebury, the NEPA Document Manager, stated that experienced contractors, paid for by the developer but under the direction of the WAPA NEPA staff, helped in creating the EA tiering template and writing the site-specific analysis. For information on this programmatic strategy, contact Lou Hanebury at hanebury@wapa.gov or 406-255-2812.

Best Practices for Infrastructure Reviews May Be Applied to Other Reviews

The Federal Permitting Improvement Steering Council[1] issued a report, *Recommended Best Practices for Environmental Reviews and Authorizations for Infrastructure Projects*, in January 2017. The report identified best practices in eight categories for environmental reviews and permitting of infrastructure projects:

- Enhancing early stakeholder engagement
- Ensuring timely decisions
- Improving coordination between Federal and non-Federal entities
- Increasing transparency
- Reducing information collection requirements and other administrative burdens
- Using Geographic Information Systems and other tools
- Training
- Best practices for other aspects of infrastructure permitting

For infrastructure projects to be subject to FAST-41 requirements, they must generally involve construction of infrastructure for renewable or conventional energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resource projects, broadband, pipelines, manufacturing, and be either (1) subject to review under NEPA, likely to require a total investment of more than $200 million, and ineligible for abbreviated authorization or environmental review processes, or (2) subject to NEPA and have the size and complexity that cause the Council to determine that the project would likely benefit from enhanced oversight and coordination.[2]

Practices included in the report also may be beneficial in NEPA reviews for other types of proposed projects. For example, under the "Using Geographic Information Systems and other tools" best practice category, the report highlights the U.S. Fish and Wildlife Service (USFWS) Information, Planning and Conservation (IPaC) tool, noting that it was designed to "quickly and easily identify USFWS managed resources and suggest conservation measures." The IPaC tool is relevant for all types of projects, not just infrastructure projects. (See *LLQR*, March 2014, page 6.)

Another best practice category from the report, "Ensuring timely decisions," recommends conducting a broad review of a program or grouping of activities with similarities for which narrow project-specific NEPA reviews would otherwise be prepared. The report states, "Once established, programmatic approaches may expedite the permitting and review process and facilitate efficient use of agency resources." DOE has used programmatic NEPA approaches for many of its undertakings. (See related article, page 4, for a current example from Western Area Power Administration.)

The report and related information, including guidance for carrying out agency responsibilities under FAST-41, are available on the Federal Infrastructure Permitting Dashboard.

[1] An interagency council to oversee implementation of Title 41 of the Fixing America's Surface Transportation Act (FAST-41). DOE is represented on the Council. (See LLQR, December 2016, page 4.)

[2] 42 U.S.C. §4370m-6(A). A new infrastructure project may become a "covered project" under FAST-41 after the project sponsor submits an initiation notice for inclusion, as described in 42 U.S.C. § 4370m-2(a). Also, some infrastructure projects are excluded, such as those covered by the Water Resources Development Act and transportation projects subject to 23 U.S.C. § 139. See 42 U.S.C. § 4370m(6) and note for details.

Focus on What is Important (continued from page 1)

the conclusion. A conclusory statement by itself may be interpreted as an assertion rather than as a conclusion based on reason and evidence.

When impacts are expected but would not be significant, the NEPA document need only contain enough information to explain why further analysis is not warranted (40 CFR 1502.2(b)). In some instances, this could be a brief explanation, with supporting data, for the conclusion. For example, for a proposed action with a small number of short-term construction personnel, DOE may explain that the temporary influx of construction workers would not substantially increase demands on public services (e.g., schools, hospitals, fire and police protection services). If the increase could be accommodated by existing services, potential impacts in this area would not be further evaluated.

For a proposed action involving use of existing facilities, DOE may explain that the descriptions of land resources, geology and soils, and archaeological and historic resources contain less detail because there would be little or no potential for new impacts in light of impacts that had already occurred due to the presence of those existing facilities and their past operations.

Agencies are encouraged to concentrate on relevant environmental analysis in their EAs and EISs, not to produce an encyclopedia of all applicable information. Environmental analysis should focus on significant issues, discussing insignificant issues only briefly. Impacts should be discussed in proportion to their significance, and if the impacts are not deemed significant there should be only enough discussion to show why more study is not warranted.

– Improving the Process for Preparing Efficient and Timely Environmental Reviews under [NEPA] (2012)[3]

"It is important to keep your environmental analysis concise and focused on the resources that would be impacted. Recently, when analyzing the potential impacts of a solar facility interconnection request[2], prime or unique farmlands, floodplains, wetland and riparian areas, recreation, rangeland, and proximity to state and national parks were all resources eliminated from further consideration during our EA review as they were not present in the project study area. Having the ability to identify and yet remove these types of resources from further study allows the NEPA practitioner to focus on the real issues associated with the proposed project," said Andrew Montaño, NEPA Document Manager, Western Area Power Administration.

From 2013–2016, DOE EAs typically ran 150–200 pages and DOE EISs were typically 1,500–1,800 pages. DOE NEPA practitioners should strive to focus the analysis and present information based on the potential for impacts. Depending on the proposed action, such further efforts may result in shorter NEPA documents.

Consider the Presentation

It is helpful to explain the use of proportionality at the beginning of the affected environment and potential environmental impacts chapter(s). For example, the introduction to the affected environment chapter could explain that the level of detail included for each resource area depends on the potential for impacts resulting from the proposed action and alternatives. Similarly, the chapter on potential impacts could explain that the level of analysis provided for each resource area varies based on the potential for significant impacts. It may be helpful to note that this approach is consistent with CEQ NEPA regulations (cite 40 CFR 1502.2(b)) and CEQ and DOE NEPA guidance.

Several DOE NEPA documents have addressed the resource areas not analyzed in detail in a separate section early in the appropriate chapter. For example, DOE may include a section titled "Resources Considered but Not Evaluated in Detail" with an explanation that based on internal and external scoping there were certain resource areas that were not further evaluated because they were not present in the study area or no measurable impacts would potentially occur. Another option is to include a table identifying each resource that was considered but not analyzed with the corresponding rationale for exclusion from the analysis. For any resource areas that are "screened out," be sure to provide the corresponding explanation as to why they were eliminated. It is not appropriate to just state that no significant impacts are expected and therefore the topic was eliminated from analysis. LL

[2] *See Table 3.1 of the Final Environmental Assessment for the Front Range-Midway Solar LLC Interconnection Project (DOE/EA-2018).*

[3] *This excerpt refers to provisions in the CEQ NEPA regulations. See 40 CFR 1500.4(b), 1502.2(a), 1502.2(b), and 1502.2(c).*

Tips to Avoid NEPA Document "Bloat"

by Diori Kreske, NEPA Compliance Officer, Richland Operations and Office Office of River Protection

If a great deal of text is given to a subject it may make the subject appear more important than it actually might be. If the subject is not important, don't make it appear important by talking about it to excess. Uncertainty about the proposed action and the potential for impacts often results in a tendency by document preparation teams to overcompensate ("throw in the kitchen sink") and provide unnecessary information. This can be avoided or minimized by implementing the following practices:

- As early as possible, clearly define the proposed action and associated activities to be able to show the "cause" and "effect" on the environment.
- Ensure that the geographic scope of the analysis or study area (region of influence) is defined by DOE during internal scoping and make sure it is appropriately sized. Analysis of a larger area than is necessary will add to length of the NEPA document.
- Prior to engaging a contractor team, the NEPA Document Manager, with assistance from the NEPA Compliance Officer and DOE project staff, should conduct internal scoping to identify and evaluate details related to the proposed action such as geographic study area, timing, key assumptions, and methods of construction.
- Based on internal scoping, provide the contractor with a preliminary annotated outline that identifies, for example, resource areas to be evaluated in detail. Avoid leaving the document preparation team to "fill in the blanks" of a generic NEPA document outline; subject matter experts may not understand what issues are important and which topics need only brief explanation because detailed analysis is not warranted.

A recent EIS makes a statement.

- Focus the analysis on the decision to be made. Imagine being the decisionmaker and having to read the NEPA document. Having reams of background data buries important facts and potential impacts, and makes it hard for the decisionmaker and the public to discern what's important. Keep the audience(s) in mind and meet their needs.
- The NEPA Document Manager should review all comments received through both internal and external review and make sure they are relevant. In addition, the NEPA Document Manager should review requests for additional information (e.g., requests to expand the analysis or scope) to ensure they are necessary and that associated changes are accurate.

DOE staff (e.g., NEPA Document Manager), not the contractor, should make decisions regarding what information to add, or other changes to make – as DOE is directing the development of the NEPA document.

Litigation Update: District Court Upholds DOE's SAs for Return of Highly Enriched Uranium

The United States District Court for the District of Columbia upheld DOE's NEPA compliance for the transport and processing of highly enriched uranium (HEU) in liquid form from a Canadian research reactor. Seven environmental advocacy organizations challenged DOE's decisions not to prepare a supplemental EIS (SEIS) or new EIS based on two supplement analyses (SAs).

The case involved a proposed action under the National Nuclear Security Administration's (NNSA's) policy to return U.S.-origin HEU to the U.S. from foreign research reactors (FRRs) (i.e., the Acceptance Program). DOE analyzed the Acceptance Program in three EISs between 1995 and 2000 that considered shipments of target materials from that facility in an oxide or calcine powder (i.e., solid) form.

To evaluate whether transporting and processing liquid, rather than solid, material required preparation of a supplemental or new EIS, DOE prepared an SA in 2013. DOE subsequently issued another SA in 2015 that, among other things, considered the information included in cask certifications from the U.S. Nuclear Regulatory Commission, U.S. Department of Transportation, and the Canadian Nuclear Security Commission. In both SAs, DOE determined that neither an SEIS nor a new EIS was required.

The court concluded that the "key–and really only–question" for the proposed action was whether the "transportation of target material in liquid rather than solid form results in environmental impacts that are significantly different than those already evaluated." The court emphasized that an agency's decisions are entitled to deference provided "its decision is reasoned and rational." The court explained that it "will only overturn DOE's decision not to prepare an [SEIS] if the record shows a clear error of judgment or that DOE did not give the relevant evidence and factors a 'hard look.'"

Based on its review of the 2013 and 2015 SAs, the court found that DOE "did, in fact, give a hard look to a wide range of factors, evidence, and statistical analyses regarding environmental impacts in numerous different scenarios." In the 2013 SA, the court found that DOE had "concluded that there was not a substantial or significant difference between the environmental impacts here and those already considered by the earlier EISs to warrant a supplemental or new EIS for the planned shipment." In the 2015 SA, the court found that "risks of harm from the transportation [in liquid form] were extremely low and not significantly different from the impacts already evaluated and reported in the [FRR EIS]." The court ultimately concluded that DOE did not act "arbitrarily or capriciously" or make a "clear error in judgment," and therefore upheld DOE's decision not to prepare an SEIS or a new EIS.

The plaintiffs have 60 days to appeal from the date of the District Court's decision. (*Beyond Nuclear v. U.S. Dep't of Energy*, Case No. 16-CV-1641 (TSC); February 2, 2017). LL

DOE EJ Strategy Includes NEPA Goal

DOE has updated its *Environmental Justice Strategy*, the integrated approach by which the Department manages its environmental justice (EJ) responsibilities and commitments. DOE's EJ strategy seeks to demonstrate the Department's commitment to, and further efforts to comply with, Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (1994). The strategy includes a goal to integrate environmental justice into the NEPA process.

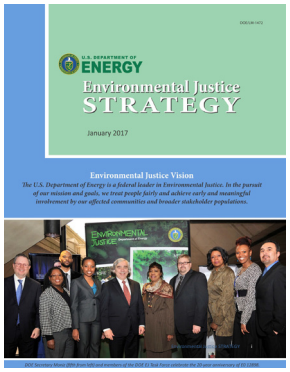
DOE's EJ Strategy encourages new approaches to occupational and environmental science research for high-risk communities and workers, embraces interagency coordination to facilitate EJ, and heightens the sensitivity of managers and staff to EJ within DOE.

— Environmental Justice Strategy

Integrate EJ and NEPA

The strategy encourages continuing improvement in DOE practices. Under the NEPA goal, the strategy describes two objectives: (1) continue to update NEPA guidance to enhance relevant environmental justice guidance and principles, as appropriate, and (2) strengthen federal efforts to integrate environmental justice and NEPA.

"The Department will continue to leverage its experience addressing EJ by applying lessons learned to its NEPA reviews," the strategy states. "DOE will highlight ways to better involve potentially affected communities in the NEPA process, conduct a meaningful analysis of potential impacts related to EJ, and develop mitigation options that address EJ concerns."



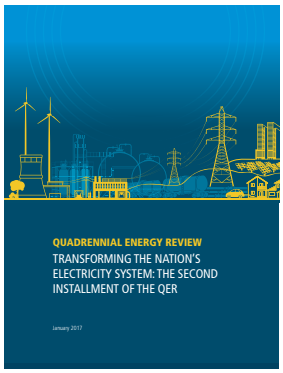
In addition, the strategy highlights *Promising Practices for EJ Methodologies in NEPA Reviews*, the 2016 report issued by the Federal Interagency Working Group on Environmental Justice and its NEPA Committee, explaining that "DOE will continue to work with other agencies to use the report, implement [NEPA] training, and share lessons learned" (*LLQR*, March 2016, page 1).

Other Goals and Next Steps

In addition to integrating environmental justice and NEPA, DOE's EJ strategy includes three other goals: fully implement Executive Order 12898 on environmental justice, minimize climate change impacts on vulnerable populations, and comply with Title VI of the Civil Rights Act of 1964.

In 2017, DOE plans to prepare a Five-Year Implementation Plan for its environmental justice activities. For additional information, contact Melinda Downing, Environmental Justice Program Manager, Office of Legacy Management, at melinda.downing@hq.doe.gov or 202-586-7703.

Second Quadrennial Energy Review Addresses EJ



The second installment of DOE's Quadrennial Energy Review, *Transforming the Nation's Electricity System* (QER 1.2), issued January 2017, describes trends and challenges facing the electricity sector through 2040. QER 1.2 examines the electricity system from generation to end use, in the context of three national goals: improving the economy, protecting the environment, and increasing national security.

QER 1.2 includes a section titled "Electricity and Environmental Justice," which states that environmental justice communities "are more vulnerable to the air- and water-quality impacts of the electricity system." It further mentions that regulatory actions have been undertaken to help reduce disparities in human health impacts to minority and low-income communities from power plant emissions, wastewater discharges, and onsite solid waste impoundments. In addition, the *Promising Practices* report is cited as a resource for addressing EJ in the NEPA process.

Contracting Updates: Blanket Purchase Agreements Established for DOE-wide NEPA Support Services

DOE has established nine blanket purchase agreements (BPAs) with six contracting teams to provide NEPA support services under the General Services Administration (GSA) Environmental Services Schedule 899 contracts. All DOE program and field offices, as well as the Federal Energy Regulatory Commission, may use the BPAs to acquire support for NEPA activities and related environmental reviews.

The BPAs will be administered by the National Nuclear Security Administration (NNSA) Office of Acquisition Management. For assistance in establishing a task order, contact Tracy CDeBaca, Contract Specialist, at tracy.cdebaca@nnsa.doe.gov or 505-845-4711. Individual task orders under the BPAs will be managed by the ordering office's Contracting Officer and Contracting Officer's Representative.

Resources are available on the GSA webpage for BPAs and, for NNSA staff, on the NNSA portal. The Office of NEPA Policy and Compliance is updating a contracting page on the DOE NEPA Website and can assist in developing a performance based work statement and related matters. Questions may be addressed to askNEPA@hq.doe.gov.

What is a BPA under a GSA Schedule contract?

"A GSA Schedule BPA is an agreement established by a customer with a GSA Schedule contractor to fill repetitive needs for supplies or services (FAR 8.405-3). ...

"[A BPA] can use streamlined ordering procedures that allow for quicker turnarounds ... which ... reduces administrative costs and time.

"The strongly preferred approach is to competitively establish multiple BPAs and compete specific requirements among those BPA holders to award each order. ... [This] allows a simplified competitive procedure in which only the BPA holders (rather than all Schedule contractors) are considered."

From GSA Schedules, Frequently Asked Questions

Company Name	BPA AWARD #
Small Business Teams	
Potomac Hudson Engineering	DE-NA0002902
S.S. Papadopulos Associates, Inc.	DE-NA0002938
Trinity Engineering Associates, Inc.	DE-NA0002940
SC&A, Inc. *Subcontractors:* ICF Jones & Stokes, Inc.; Rivers Consulting, Inc.; Tetra Tech, Inc.	DE-NA0002941
SOLV LLC	DE-NA0002942
Alliant Corporation *Subcontractors:* CDM Federal Programs Corporation (CDM Smith); Ecology & Environment Inc. (E&E); ERM-West, Inc.; Navarro Research & Engineering Inc.	DE-NA0002965
Toeroek Associates, Inc. *Subcontractors:* JAD Environmental, LLC; New West Technologies, LLC; Rivers Consulting, Inc.	DE-NA0003003
Large Business Teams	
Leidos, Inc. *Subcontractors:* Los Alamos Technical Associates, Inc.; Potomac Hudson Engineering	DE-NA0002564
Tetra Tech, Inc. *Subcontractors*: Rivers Consulting, Inc.; SC&A, Inc.; TechSource Inc.; Van Citters: Historic Preservation, LLC	DE-NA0002994

Cooperating Agencies Contribute to Most DOE EISs

During fiscal year 2016, cooperating agencies participated in the preparation of 21 of the 23 ongoing EISs for which DOE was the lead or co-lead agency. In addition, 7 of the 17 EAs that DOE completed during the year were prepared with cooperating agencies. These are among the findings in DOE's latest Cooperating Agency Report to the Council on Environmental Quality (CEQ), submitted in January.

CEQ guidance identifies the benefits of involving cooperating agencies, including disclosure of relevant information early in the analytical process, access to technical expertise and staff support, avoidance of duplicative reviews, and facilitating the resolution of inter- and intra-governmental issues.

This annual report is part of CEQ's continuing effort to encourage federal agencies to involve cooperating agencies – at the federal, state, local, and tribal levels – in NEPA reviews. (A federally recognized tribe may engage through government-to-government consultation, in addition to or in place of participating as a cooperating agency.)

CEQ asks agencies to identify, in their annual reports, the reasons for not establishing a cooperating agency relationship or terminating one before completing an EIS. In DOE's 2016 report, for one supplemental EIS, no agencies were identified with jurisdiction (such as permitting or licensing authority) over an aspect of the proposal or special expertise with respect to environmental issues. In other cases, a governmental entity declined a cooperating agency invitation because it preferred a consulting or commenting role, or lacked resources to join in the preparation of the EIS.

For a copy of DOE's report or additional information, contact Yardena Mansoor, Office of NEPA Policy and Compliance, at yardena.mansoor@hq.doe.gov.

CEQ Compiles 4 Years of Cooperating Agency Data

The *Fourth Report on Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act* (October 2016) is posted on the CEQ website. It reports that 64 percent of DOE lead or co-lead EISs initiated during fiscal year 2012 through fiscal year 2015 were (or are being) prepared with cooperating agencies, compared to 52 percent for all federal agencies. Also, 24 percent of DOE EAs completed during this period were prepared with cooperating agencies, compared to 7 percent for all agencies. The CEQ report notes that some agencies have no cooperating agencies in their EISs, while others have 100 percent participation and explains this broad range as follows: "The fluctuations that we see in use of formal cooperating agreements may be due to variations in project type, rather than agency choice not to formalize cooperating agency agreements. With projects that are narrow in scope there are fewer opportunities to utilize cooperating agencies."

Transitions: Welcome to a New NCO

Strategic Petroleum Reserve Project Management Office: Steve Reese

Stephen (Steve) Reese joined DOE in January as the new NCO for the Strategic Petroleum Reserve Project Management Office, which oversees four Texas and Louisiana sites with underground caverns for storing emergency supplies of crude oil owned by the U.S. Government. His duties include oversight of the office's Pollution Prevention/Waste Management Program. Mr. Reese previously served for 8 years as Safety Health & Environmental Manager with the U.S. Environmental Protection Agency's Region 6 Environmental Services Branch. Prior civil service included program management for NEPA, cultural resources, historic properties, solid waste, pollution prevention, and spill prevention, control, and countermeasure at Red River Army Depot in Texarkana, Texas. In addition, he performed industrial hygiene duties at the 926th Fighter Wing, Air Force Reserve Command in New Orleans. Mr. Reese maintains his Certified Hazardous Materials Manager credentials and received an undergraduate degree from Southeastern Louisiana University and a graduate degree from Tulane School of Public Health and Tropical Medicine. He can be reached at stephen.reese@spr.doe.gov or 504-734-4404.

Farewell to Carol: DOE's "Spirit of NEPA" Endures

After serving as Director of DOE's Office of NEPA Policy and Compliance for almost 30 years, Carol Borgstrom retired on February 3, concluding a distinguished federal career. Fondly referred to by many as DOE's "spirit of NEPA," she leaves a legacy of commitment to NEPA excellence, transparency, collaboration, and public involvement.

A Legacy of Achievement

Ms. Borgstrom began her career preparing EISs for two engineering consulting firms before joining, in 1976, the Federal Energy Administration, which became part of DOE when it was created in 1977. In 1988, she joined the Senior Executive Service and became Director of the then-named Office of NEPA Policy and Assistance. In 1995, Ms. Borgstrom received the Presidential Rank Award of Distinguished Executive, the nation's highest civil service award.

During her tenure as Director of the NEPA Office, Ms. Borgstrom advised and assisted staff and managers throughout the DOE Complex in complying with NEPA requirements effectively and efficiently. She led a staff of environmental protection specialists in reviewing more than 100 EISs. Ms. Borgstrom oversaw the development of the Department's NEPA regulations (10 CFR Part 1021), more than 30 guidance documents, and 90 issues of *LLQR*.

As part of her commitment to transparency, Ms. Borgstrom advocated for DOE to post its categorical exclusion (CX) determinations online, setting a new standard for openness in NEPA. In addition, under her leadership, DOE created a comprehensive database of its CX determinations and made it publicly available on the DOE NEPA Website.

Ms. Borgstrom's impact on the NEPA process extends well beyond DOE; she is a recognized expert in the federal NEPA community. In 2010, Ms. Borgstrom participated in the NEPA 40th Anniversary Symposium as the only current federal employee on the panel. She spoke of the Department's efforts to foster public participation in the NEPA process.

Recognition

Under Ms. Borgstrom's leadership, the NEPA Office received awards, including a Federal Environmental Quality Award from the Council on Environmental Quality (CEQ) in 1995 for integrating environmental values in environmental decisionmaking, and reducing the cost and increasing the usefulness of environmental impact analysis. In 2000, the National Association of Environmental Professionals (NAEP) President's Award for Environmental Excellence, recognized DOE's in-depth NEPA lessons learned program to promote continuous improvement.

(continued, next page)

At her January 27th retirement celebration, Carol Borgstrom received a Secretary of Energy Exceptional Service Departure Award. Acting General Counsel John Lucas (right) and Deputy General Counsel Eric Fygi presented the award.

Secretary of Energy Exceptional Service Departure Award

Carol M. Borgstrom is hereby awarded the Secretary of Energy Exceptional Service Departure Award in recognition of 42 years of outstanding Federal service at the U.S. Department of Energy and its predecessor, the Federal Energy Administration. Leading the Department's Office of NEPA Policy and Compliance since 1988, Ms. Borgstrom has been a zealous champion of the National Environmental Policy Act (NEPA) process as a means to protect the environment and human health, promote transparency, and improve Department decisionmaking.

Her leadership has facilitated the successful completion of the Department's most complex projects. She has led a community of Department NEPA practitioners, overseen the development of the Department's NEPA regulations and related guidance, and contributed to innumerable interagency initiatives to improve the NEPA process. Under Ms. Borgstrom's leadership, the Office of NEPA Policy and Compliance has received awards for its contributions to NEPA. She is recognized as an expert in the Federal NEPA community. Throughout four decades of service, Ms. Borgstrom has maintained the highest level of integrity and demonstrated unwavering commitment to the "Spirit of NEPA."

Because of her outstanding leadership, sound advice, intelligence, strength of character, and dedication to the public interest, Carol M. Borgstrom embodies the highest traditions and ideals of public service.

Farewell *(continued from previous page)*

NAEP recognized the NEPA Office again in 2006 with a Special Achievement Award for *NEPA 35: Spotlight on Environmental Excellence,* a conference developed in partnership with CEQ in 2005. The conference included more than 260 NEPA practitioners from over 50 agencies and organizations; high-level officials from federal, state, and tribal organizations, and Members of Congress to commemorate the 35th anniversary of NEPA.

Fortunately, her sound advice and enthusiasm will live on in DOE's extensive *LLQR* archive. Excerpts to encourage and guide the DOE NEPA Community are captured below:

Carol's thoughts

…on DOE's NEPA Compliance Officers

"NCOs are the heart and soul of the Department's NEPA compliance program and the agency's conscience. NCOs are also the brains behind effective NEPA compliance, and are a valuable resource for the Department."

"NCOs are leaders in helping DOE achieve timely and excellent NEPA compliance in support of program missions. … DOE is well served by this cadre of NCOs."

…on the benefits of NEPA

"Thoughtful consideration of comments may result in a better decision and improved DOE credibility with its stakeholders, increasing the likelihood of successful project implementation. Good responses help the public know its voices were heard and can enhance public understanding of DOE activities."

"Good decisionmaking is why NEPA matters."

…on how to improve going forward

"Can we make the NEPA process even cheaper, faster, and more useful? Going forward it will be important to think about how DOE can streamline project approvals while safeguarding the environmental values at the core of NEPA review, and without diminishing the public's role or increasing litigation risks."

"Expediting schedules and improving quality is applicable to all projects….We must do more, better, faster, and cheaper. How do we do this? My answer is to do it smarter, through more concerted work effort, vigorous oversight, and timely support from many offices."

"Improving NEPA is a continuous process, and we're always interested in both new ideas and reassessing older ones."

"Continue to communicate needs and ideas for additional guidance. Remember to take advantage of the flexibility inherent in NEPA and its implementing regulations. Stretch NEPA, but don't break it."

"We in the DOE NEPA Community will be called on to support DOE decisionmaking processes with high quality analysis delivered in a timely fashion. We need to apply NEPA lessons learned to meet this challenge."

Ms. Borgstrom will continue to live in Alexandria and hopes to spend more time at Black Dog Farm (property she and her husband, Howard, own on the Shenandoah River) hiking and kayaking, and working in the garden and orchard. They also plan to travel and spend more time with their children and grandchildren in Dallas and Philadelphia.

On behalf of DOE's NEPA Community, the Office of NEPA Policy and Compliance thanks Carol for her leadership, service, and outstanding contributions to the Department's NEPA program. We have all benefited from her high standard of quality, her commitment to NEPA excellence, and her dedication to the letter and spirit of NEPA. We wish her a long and fulfilling retirement.

Tributes to Carol upon Her Retirement

Friends, colleagues, and associates of Carol Borgstrom gathered on January 27th at the Forrestal Building to celebrate her long and distinguished career. In a heartfelt tribute, many colleagues (at the gathering or writing in) recognized Carol's contributions and leadership.

Ted Boling, Acting Chairman, Council on Environmental Quality (CEQ): "You have been an invaluable leader in the community of Federal NEPA Contacts, serving as an expert in the profession of environmental impact assessment and a moral compass for the Federal family of NEPA professionals. … You have shown a deep commitment to better decisions, based on better documents, that has made NEPA count at the Department of Energy."

Horst Greczmiel, former CEQ Associate Director for NEPA Oversight: "Your career is a shining example of what it means to be a dedicated public servant. In addition to training and filling the ranks of the NEPA ninjas you demonstrated the value of empowering others…. You have my enduring respect and thanks for those many calls when you gave your time, shared lessons learned, and provided insights on how we could be better public servants and defenders of NEPA."

Dinah Bear, former General Counsel, CEQ: She "has been a bedrock of devotion to NEPA, to the public good, and to common sense and good leadership."

Cathy Bohan, NCO, Office of Environmental Management: Carol's "approval is hard-earned and valued."

Ellen Smith, Oak Ridge National Laboratory: "Your hard work and your idealistic commitment to 'doing the right thing' have had a tremendous impact in the Department of Energy."

Sarah Biegel, NCO, Bonneville Power Administration: "You embody the true spirit of NEPA by exhibiting the hope that its authors intended; a hope for a better environment in which we all thrive."

Anne Norton Miller, former Director, Office of Federal Activities, Environmental Protection Agency: "You are also to be commended for your strong support for the interagency efforts with NEPA and especially for your NEPA conferences, which were excellent, your support of the NEPA task forces, and the DOE NEPA *Lessons Learned Quarterly Report*. Your efforts and those of your staff have been invaluable to the NEPA community and to the environment nation-wide."

Jim Sanderson, NEPA Office, led a toast: "Carol, you are leaving DOE a better place than when you found it, and your legacy will endure for years to come. We will miss you as our colleague and friend, a wise counselor and leader, and indeed a great lady. Remember us fondly, and may the years that lie ahead be filled with even more dreams achieved."

Andy Lawrence, a long-time colleague and Deputy Associate Under Secretary for Environment, Health and Safety, read a poem he wrote at Carol's retirement celebration.

From "Onward Carol Borgstrom"

…
For she's been the pillar of DOE's NEPA success
And how we'll keep up our record is anyone's guess
For she could take draft EISs as they came in on the fly
And turn them into sonnets that would make Shakespeare cry
…
Yet despite her accomplishments from A to Z
And the lasting effects of her legacy
She wonders what we're all making such a fuss for
Even though she's a shoo-in for NEPA's Mount Rushmore
…
We will try to carry on the very best we can
To find that elusive harmony between environment and man
But the NEPA world will miss you as you can plainly see
And you'll always remain in our hearts here at DOE.

Carol through the Years

Carol Borgstrom led the DOE NEPA Program for almost 30 years. Some memorable moments captured throughout her tenure as Director of the NEPA Office include speaking to DOE's NCOs (on many occasions), an onsite visit to the Waste Isolation Pilot Plant, a tour of the site for the (then proposed) Yucca Mountain geologic repository, and receiving an award for the NEPA Office from the National Association of Environmental Professionals.

NEPA Office Transitions: Farewell to Vivian Bowie

In December, Vivian Bowie retired after a 25-year federal career with the Department of Energy. She joined the Office of Environmental Compliance in 1991 and served as a Division Director from 1995-1998 before transferring to the Office of NEPA Policy and Compliance.

Ms. Bowie made substantial contributions as the NEPA Office reviewer for a number of DOE's major EISs, primarily for the Office of Environmental Management and the former Office of Civilian Radioactive Waste Management. She helped bring long-running EISs to completion, including notably: the EISs for the Yucca Mountain geologic repository and rail alignment; the EIS for disposal of greater-than-Class C low-level radioactive waste; and most recently, the Uranium Leasing Program programmatic EIS. She also developed the metrics section for each issue of *LLQR*. Through her work on these and many other NEPA-related matters, she leaves a legacy of singular professional excellence.

She received a Distinguished Career Service Award upon her retirement, which stated, in part: "Finally, as both a manager and NEPA specialist, she earned the genuine affection of her associates. Because of her pragmatic, analytically-sound advice, her intelligence, her strength of character, her no-nonsense approach, and her dedication to the public interest, Vivian Bowie embodies the highest traditions and ideals of public service."

Vivian earned the respect and admiration of her colleagues through her dedication to the spirit of NEPA. In a poem titled How Can We Live without Viv*, Andy Lawrence (Vivian's supervisor during her years in the Office of Environmental Compliance) paid tribute to the many additional reasons we will miss her, including her good humor and hard work. The NEPA Office, on behalf of the DOE NEPA Community, appreciates Vivian's many contributions to sound NEPA compliance and offers best wishes for her future.*

Kedric Payne, former Deputy General Counsel for Environment and Compliance, presented the Distinguished Career Service Award to Vivian Bowie.

Words of Wisdom from a "NEPA Ninja"

I would like to share five basic principles that have always served me well as a "NEPA ninja."

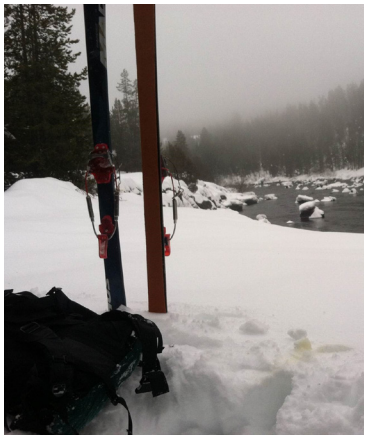
1. **Start planning for projects early.** It is important to define your project, when you need to complete it, and who you need to be involved in the decisionmaking process.
2. **Consider all input.** It is possible to gain insight from a variety of resources. For those who interact with very young children, it's phenomenal how many times a toddler can provide a question or alternative to a situation that has the potential to resolve an issue.
3. **Stay open to the need for change.** Being flexible allows for making things fit as projects progress.
4. **Play a role of coordinator, not dictator.** Listen to input provided by your experts and other persons knowledgeable about the project and its environment.
5. **Stay positive.** A positive attitude conveys positivity to those around you. This position has always worked for me and seems to defuse stress.

I have found my life in the NEPA Office to be challenging, fulfilling, and tiring. Life as a NEPA ninja allowed me to experience complex situations, grow, and get better at processing information. I've learned that one size does not fit all situations. Even though environments may be similar, stakeholders are usually different and time and changes in policies can also impact the direction of projects. I will miss working with my NEPA community family and wish all the best for future DOE NEPA projects.

— Vivian Bowie

More Transitions: NCO Retirements

Idaho Operations Office: Jack Depperschmidt



Jack is already enjoying retirement by skiing in Yellowstone National Park.

Jack Depperschmidt retired from the Idaho Operations Office in December after 25 years with DOE. He was the Deputy NCO for 6. years before becoming the NCO in 2004. For the Idaho Operations Office, he guided major EISs for waste and materials treatment, management, and disposition, as well as many EAs. He also contributed insights and recommendations to NEPA rulemakings, guidance, the lessons learned program, and DOE-wide NEPA contracts. He also was responsible for overseeing the management of natural resources at the Idaho National Laboratory.

In reflecting on Jack's contributions, his supervisor, Richard Kauffman, Environmental Resources Team Lead at the Idaho Operations Office, shared that he "mentored new staff and contractor counterparts, and collaborated on innovative solutions to avoid undesirable outcomes that mutually benefited the environment and operational missions. His willingness and ability to share and guide others without concern for position or status showed great self-confidence and selflessness that afforded those he mentored with greater ability and potential. His successes were the result of an ability to bring people and organizations with diverse viewpoints and expected outcomes to a common understanding." Through his career, Jack created a lasting legacy by having a positive impact on the Sage Brush Steppe environment.

Jack jokingly claimed that "he was a trial for those who worked with him" and that a "collective sigh of relief was exhaled by ID and HQ personnel when he walked out the door." On the contrary, those who had the privilege of working with him will greatly miss his environmental expertise, collegiality, integrity, and lighthearted sarcasm. On behalf of the DOE NEPA Community, the NEPA Office offers Jack best wishes for his future endeavors and adventures.

Jason Sturm (sturmjr@id.doe.gov or 208-526-2493) and Richard Kauffman (kauffmrm@id.doe.gov or 208-526-7177) continue to serve as NCOs for the Idaho Operations Office.

National Nuclear Security Administration: Mary Martin

Mary Martin, NCO for the National Nuclear Security Administration (NNSA), retired in February. Designated as an NCO in 2008, she supported NNSA's NEPA activities, including work on the EIS for the Chemistry and Metallurgy Research Building Replacement Project at Los Alamos National Laboratory; the Complex Transformation Supplemental Programmatic EIS; and the site-wide EISs for Los Alamos, Lawrence Livermore, and Sandia National Laboratories; the Y-12 Site-wide EIS; and other highly complex NEPA documents. Ms. Martin was an active contributor to the DOE-wide NEPA contracts acquisition planning, revision of the DOE NEPA regulations, and NEPA guidance efforts. In 2008, then NNSA Administrator Thomas P. D'Agostino acknowledged her NEPA work, particularly her efforts to help develop an approach for terrorist threat analysis in EISs, stating that she was "setting the standard in this new area."

Mary, her husband, and their beloved dogs plan to retire at their farm in Virginia. On behalf of the DOE NEPA Community, the Office of NEPA Policy and Compliance offers congratulations on her retirement, appreciation for her many contributions, and best wishes for her future endeavors.

EAs and EISs Completed October 1 to December 31, 2016

EAs[1,2]

Bonneville Power Administration
DOE/EA-1961 (12/30/16)
Kalispell-Kerr Transmission Line Rebuild Project, Kalispell and Polson Counties, Montana
Cost: $492,000
Time: 45 months

DOE/EA-2054 (12/29/16)
EA to Analyze Impacts of a NOAA's National Marine Fisheries Service Determination to Issue Section 10 Permits for the Continued Operation of Eight Hatchery Programs within the Tucannon, Grande Ronde, and Imnaha River Basins, Northeast Oregon, Southeast Washington
EA was adopted; therefore, contractor cost and time data are not applicable to DOE. [National Oceanic and Atmospheric Administration (NOAA) was the lead agency.]

Office of Energy Efficiency and Renewable Energy
DOE/EA-2020 (12/22/16)
Final Rule, 10 CFR Part 435, "Energy Efficiency Standards for New Federal Low-Rise Residential Buildings' Baseline Standards Update" (RIN 1904-AD56)
Cost: $4,600
Time: 18 months

Office of Fossil Energy
DOE/EA-1963 (12/16/16)
Elba Liquefaction Project, Chatham, Hart, Jefferson and Effingham Counties, Georgia; and Jasper County, South Carolina
EA was adopted; therefore, contractor cost and time data are not applicable to DOE. [Federal Energy Regulatory Commission (FERC) was the lead agency; DOE was a cooperating agency.]

DOE/EA-2055 (12/19/16)
Freeport LNG Capacity Uprate Project, Brazoria County, Texas
EA was adopted; therefore, contractor cost and time data are not applicable to DOE. [FERC was the lead agency; DOE was a cooperating agency.]

Strategic Petroleum Reserve Project Office/ Office of Fossil Energy
DOE/EA-2040 (12/21/16)
Strategic Petroleum Reserve Repair/Enhancement of Access to Remote Pipeline Valve Stations, West Hackberry, Calcasieu and Cameron Parishes, Louisiana
Cost: $99,500
Time: 8 months

Western Area Power Administration
DOE/EA-2016 (11/10/16)
Willow Creek Wind Energy Facility, Butte County, South Dakota
EA preparation cost was paid by the applicant; therefore, contractor cost is not applicable to DOE.
Time: 17 months

EISs

No EISs were completed during this quarter.

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

[2] *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. Costs shown are the estimated amounts paid to contractors to support preparation of the EA or EIS, and do not include federal salaries.*

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

- *Conducting scoping for an EA*. Although not required for an EA, holding two scoping meetings at the beginning of the NEPA process allowed landowners to discuss alternatives with staff early in the facility design process. Through the early interaction, design adjustments were made and included in the draft EA. Based on several dozen comments received and the level of issues raised during scoping, DOE determined that no public meetings were needed when it released the draft EA, which saved time and money.

Data Collection/Analysis

What Worked

- *Multiple uses of data collection*. The collection of preliminary site evaluations, site characterizations, and field studies initiated by an applicant before the NEPA process began allowed for not only the focused analysis of site-specific impacts, but also the development of a Bird and Bat Conservation Strategy Plan.

Schedule

Factors that Facilitated Timely Completion of Documents

- *Close coordination with project proponents and consultants*. Holding biweekly conference calls among the DOE NEPA team, the project proponents, and consultants to ensure communication and progress led to early awareness of upcoming project changes and the requisite adjustments to data collection and analysis that otherwise would have delayed the NEPA process.
- *Working with experienced contractors*. Working with experienced contractors allowed DOE staff to focus their time on larger issues such as obtaining permission to enter property for surveys or tribal consultation rather than spending additional time on document structure and writing style.
- *Review of small sections of the EA*. DOE NEPA staff and contractors concurrently reviewed small sections of the NEPA document as they were completed rather than waiting for a complete draft to be finished. This strategy kept review time to a minimum and spread out the review process, allowing staff to remain on top of their other assigned duties.

Factors that Inhibited Timely Completion of Documents

- *Lack of funding*. Capital funding constraints resulting from construction delays on other projects delayed project planning and design work, which delayed completion of the NEPA process.
- *Turnover of key contractor staff*. High turnover of key contractor personnel led to quality control issues that were eventually worked through but cost additional time and money.

Teamwork

Factors that Facilitated Effective Teamwork

- *Close coordination with realty staff and survey contractors*. Multiple landowner issues – large number of landowners, inaccurate property ownership records, and multiple individuals owning a single property – required NEPA staff to work closely with the Realty Specialists and surveying contractors to prioritize field surveys and maximize the amount of survey area completed per field crew mobilization.
- *Assigning small groups specific tasks*. The NEPA project manager assigned small groups of subject matter experts to address specific issues that arose during planning.

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

Process

Successful Aspects of the Public Participation Process

- *Better outcomes for all through dialogue*. Public participation through scoping and one-on-one interactions with property owners and regulatory agencies led to several changes in the project design to better accommodate landowners' needs, such as relocating structures to reduce conflicts with farming and irrigation operations, and minimize natural resource impacts.

Usefulness

Agency Planning and Decisionmaking: What Worked

- *Application of a programmatic EIS*. The EA was tiered from a programmatic EIS, which allowed NEPA staff and its contractors to incorporate by reference the analysis of non-site-specific resource impacts and focus their efforts for the EA on site-specific resource impact analyses.

Enhancement/Protection of the Environment

- *Protection of biological and archeological resources*. Surveys identified bird migration corridors where bird flight diverters could be installed to minimize bird collisions with the transmission line. Surveys also revealed previously unidentified archeological sites that were avoided through minor design changes.

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.

For the past quarter, in which 4 EA questionnaire responses were received, 3 respondents rated the NEPA process as "effective."

- A respondent who rated the process as "5" stated that the tiered NEPA process was an important planning tool because it allowed the document to focus detailed analysis on site-specific issues, while also referencing the more general analysis in the PEIS.
- A respondent who rated the process as "3" stated that the NEPA process led to the protection of biological and archeological resources.
- A respondent who rated the process as "3" stated that due to the nature of the project and very limited alternatives, the EA was done as part of the process to help coordinate interaction with the various resource agencies with regulatory authority.
- A respondent who rated the process a "1" stated that federal building rulemakings are designed to have no detrimental effects and support a finding of no significant impacts determination, making a full EA unnecessary.

NEPA Document Cost and Time Facts[1]

EA Cost and Completion Times

- For this quarter, the median cost for 3 EAs for which cost data were applicable was $100,000; the average was $199,000.
- For this quarter, the median completion time for 4 EAs for which time data were applicable was 18 months; the average completion time was 22 months.
- Cumulatively, for the 12 months that ended December 31, 2016, the median cost for the preparation of 9 EAs for which cost data were applicable was $200,000; the average was $313,00.
- Cumulatively, for the 12 months that ended December 31, 2016, the median completion time for 14 EAs for which time data were applicable was 17 months; the average was 23 months.

EIS Cost and Completion Times

- There were no EISs completed during this quarter.
- Cumulatively, for the 12 months that ended December 31, 2016, the median cost for the preparation of 4 EISs for which cost data were applicable was $5,410,000; the average was $6,060,000.
- Cumulatively, for the 12 months that ended December 31, 2016, the median completion time for 4 EISs for which time data were applicable was 65 months; the average was 65 months.

[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. Costs shown are the estimated amounts paid to contractors to support preparation of the EA or EIS, and do not include federal salaries.*