

memorandum

DATE: November 24, 1998

FROM: Office of NEPA Policy and Assistance

SUBJECT: Designating and Supporting NEPA Document Managers

TO: Secretarial Officers and Heads of Field Organizations

The purpose of this memorandum is to emphasize to you the important role your National Environmental Policy Act (NEPA) Document Managers play in the success of the Department's NEPA compliance program and to help you maximize their effectiveness. The NEPA Document Manager position was established to improve the management of the NEPA process by promoting team leadership and ownership at the staff level. The position was created four years ago through the Secretarial Policy Statement on NEPA (June 1994), and now is incorporated in DOE Order 451.1A, NEPA Compliance Program.

As you know, Secretarial Officers and Heads of Field Organizations designate a NEPA Document Manager for every proposed project requiring an environmental assessment or environmental impact statement. Your selection and support of NEPA Document Managers are often critical to successful project implementation and to achieving good relations with stakeholders. We have found that the most successful document managers have or quickly attain a working knowledge of the NEPA process, take full responsibility for conducting the process, possess good management skills, receive the necessary authority and adequate management support, and maintain good communication with other NEPA and project team members and the public. You can help your NEPA Document Managers by letting them know early of issues you think are important to address in the NEPA process, by having them keep you informed, and by being available for consultation as the process evolves.

The attached guidance should help you designate and appropriately support NEPA Document Managers who will succeed, and help them toward that goal as well. The guidance recognizes that a partnership between the NEPA Compliance Officer and NEPA Document Managers forms the best foundation from which to build an effective NEPA compliance program. Please direct any questions or suggestions you may have to Carol Borgstrom, Director, Office of NEPA Policy and Assistance, (202) 586-4600.

Peter N. Brush
Acting Assistant Secretary
Environment, Safety and Health

Attachment

The NEPA Document Manager: A Guide to Success

Duties and Responsibilities

The NEPA Document Manager's role is to manage and actively participate in the NEPA process, to keep it on schedule and within budget. The duties and responsibilities are contained in paragraph 5e of DOE Order 451.1A (see Appendix 1). A key duty is to establish a team, representing all necessary DOE elements, to help plan and prepare the NEPA document. Where a contractor helps to prepare a DOE NEPA document, the NEPA Document Manager fulfills the requirement that "a responsible Federal official shall furnish guidance and participate in the preparation and independently evaluate the [NEPA document] prior to its approval and take responsibility for its scope and contents" (Council on Environmental Quality (CEQ) NEPA regulations, 40 CFR 1506.5(c)).

Knowledge and Skills

The NEPA Document Manager's job is demanding, and requires both knowledge of the NEPA process and management skills. Designating a NEPA Document Manager early in the project process will help ensure success.

NEPA Process Knowledge

Knowledge of the NEPA process is essential. A new NEPA Document Manager who does not know NEPA requirements must immediately consult the cognizant NEPA Compliance Officer and arrange to complete an adequate training regimen (see below and item #1 of Appendix 2, entitled "Getting Started: The NEPA Document Manager's Checklist (Ten Top Tips)"). For complex and controversial proposed actions, NEPA Document Managers should have or attain an advanced understanding of NEPA policies, requirements, and practices. Mentoring by the NEPA Compliance Officer should help the NEPA Document Manager overcome deficiencies. Other NEPA Document Managers also are excellent sources of information and advice.

NEPA Document Managers must ensure the professional integrity, including scientific integrity, of the NEPA analyses, and that DOE rigorously explores and objectively evaluates all reasonable alternatives, and discloses and discusses all major points of view on the environmental impacts

of the proposed action and alternatives. These are requirements for NEPA documents under the CEQ NEPA regulations (40 CFR Parts 1500-1508).

NEPA analysis is interdisciplinary, and requires integrated application of the natural and social sciences. NEPA also requires that documents be written plainly so that the decision maker and the public can readily understand them. NEPA Document Managers must be able to determine the range of technical expertise (e.g., aquatic biologists, health physicists, economists) needed for a particular analysis. If necessary, once the technical analysis is done, editors should be employed to present the information clearly, regardless of its complexity.

DOE's NEPA process and documents must be able to withstand legal challenge. NEPA Document Managers must know how to prepare sustainable analyses and create adequate administrative records, in effective consultation with legal counsel. They must also know how to satisfy NEPA's process requirements, such as providing adequate notices and opportunities for the public to participate.

Management Skills

NEPA Document Managers need management skills that, once acquired and practiced, would broadly apply to leadership functions in many different contexts. These include using project management techniques for planning, staffing, and cost/schedule control, and teaming skills such as delegating work effectively and using experts appropriately. Listening and conflict resolution skills are useful for effective management within the team, and for identifying and resolving issues that concern stakeholders.

NEPA Document Managers must communicate effectively and broadly. Increasingly, the Department's projects present cross-cutting program issues and involve multiple sites. Several proposed projects often would involve the same facilities. Given these circumstances, a parochial approach would fail. NEPA Document Managers must seek out and coordinate with all interested and affected DOE organizations, and obtain and consider the views of stakeholders. This involves timely identification of technical and policy issues that may affect the project, and establishing means to resolve such issues at appropriate organizational levels. Making the NEPA Document Manager a "player" on the project/program management team is essential.

Where a contractor is used to prepare a NEPA document, the NEPA Document Manager must apply contract management skills to keep the work on schedule and within the budget. The NEPA Document Manager might also serve as the Contracting Officer's Technical Representative. The Office of Environment, Safety and Health addressed these

responsibilities in National Environmental Policy Act Contracting Reform Guidance, issued in December 1996.

Available NEPA Resources

NEPA expertise, training, and tools are available to assist NEPA Document Managers.

NEPA Expertise

Program and Field NEPA Compliance Officers are the major sources of NEPA expertise that are immediately available to all NEPA Document Managers. NEPA Compliance Officers should actively support NEPA Document Managers by providing essential NEPA training, information, and advice as needed. Experienced NEPA Document Managers also are valuable sources of practical information. Staff from the Office of NEPA Policy and Assistance and the Office of the Assistant General Counsel for Environment are available for assistance and consultation and routinely serve on EIS preparation teams.

Training

In addition to training provided by Program and Field Office NEPA Compliance Officers, the Office of NEPA Policy and Assistance will provide basic or advanced NEPA training upon request. Environmental training also may be arranged through DOE's National Environmental Training Office, located at the Savannah River Operations Office (phone (803) 725-0814). Commercial and non-profit organizations also provide NEPA training. Training in project management, team leadership, conflict resolution/mediation, communication skills, and the budget process are available both inside and outside DOE. For information on training opportunities, contact DOE's Office of Training and Human Resource Development (MA-3.1) at (202) 426-1480.

Tools

The Office of Environment, Safety and Health provides substantial tools to assist NEPA Document Managers. These include guidance on preparing adequate NEPA documents, conducting public participation, and interpreting applicable regulations and DOE's NEPA policies. Lessons Learned Quarterly Reports contain information from NEPA Document Managers on "what works and what doesn't work," NEPA legal updates, and cost and schedule data. A NEPA Compliance Guide contains numerous important references in a handy notebook format. All these products are available upon request to the Office of NEPA Policy and Assistance (phone (202) 586-4600) and electronically via the DOE NEPA Web, a central

repository of DOE NEPA guidance and regulations, with links to other Federal agency NEPA web sites. The Internet address for the DOE NEPA Web is <http://tis.eh.doe.gov/nepa/>.

Avoiding Problems

Senior managers should inform NEPA Document Managers as soon as they have identified a preferred alternative, but the NEPA Document Managers must nevertheless analyze all reasonable alternatives without bias, for the senior managers to consider before they make a final decision on a proposed project. Determining the range of reasonable alternatives can be difficult. A NEPA Document Manager must work closely with project staff (i.e., as a member of the project team) to identify and consider the full range of reasonable alternatives. Failure to identify all reasonable alternatives early in the NEPA process could result in an inadequate review and costly project delays. The worst outcome would be to find at the end of the NEPA review that a technology or site that management wants to use had not been identified and analyzed. This is just one more reason why the NEPA Document Manager should be designated early in the project.

NEPA Document Managers need to balance and optimize the often competing objectives of quality, completeness, budget and schedule. Although most NEPA Document Managers have recognized the importance of meeting schedule commitments, many have not adequately understood that building quality and completeness into the NEPA process, from early scoping to preparing a final document for approval, serves to ensure timeliness and minimize costs.

Finally, some NEPA Document Managers serve that role for one project, and no more, but the experience they gained and the lessons they learned could provide valuable advice to new NEPA Document Managers. For complex projects, both time and money could be saved by using an experienced NEPA Document Manager.

DOE Order 451.1A, National Environmental Policy Act Compliance Program, assigns the following responsibilities to the NEPA Document Manager.

5. Responsibilities

- e. A NEPA Document Manager shall, for the environmental impact statement or environmental assessment being prepared:
 - (1) Establish a team, representing all necessary DOE Elements to plan, assist in preparing, and concurrently review documents.
 - (2) Conduct an early internal scoping process.
 - (3) Maintain tracking systems to monitor costs of and adherence to the schedule for the NEPA process.
 - (4) Manage the document preparation process, including reviewing internal drafts for technical adequacy, controlling cost, and maintaining schedule.
 - (5) Encourage and facilitate public participation through the NEPA process.
 - (6) [Removed and reserved]
 - (7) Evaluate, upon completion of the environmental impact statement or environmental assessment, any support contractor's performance for timeliness, quality, cost-effectiveness, responsiveness, and application of requirements and guidance.
 - (8) Report to the Office of NEPA Policy and Assistance on lessons learned after completing the environmental impact statement or environmental assessment.

Getting Started: The NEPA Document Manager's Checklist (Ten Top Tips)

1. Consult with your NEPA Compliance Officer to determine and arrange to meet your NEPA training needs, and to obtain NEPA compliance guidance materials.
2. Seek advice from experienced NEPA Document Manager(s) and your NEPA Compliance Officer regarding successful NEPA strategies, the establishment of an administrative record, and the preparation of a quality assurance plan.
3. Establish a NEPA document preparation team that includes representatives from affected program and field offices and legal counsel.
4. Lead internal scoping meetings of the NEPA document preparation team.
5. Write, at least in draft, the purpose and need for agency action and the alternatives to be analyzed.
6. Determine the NEPA document schedule and budget.
7. Confirm scope, schedule, and budget with the decision maker, if possible.
8. Write a Statement of Work (if using contractor support).
9. Issue a Task Order (or Request for Proposal and Contract) for contractor support.
10. Prepare a Public Participation Plan, which should include coordination with other Federal agencies, state agencies, and tribes, as appropriate.

NOTE: Statements of Work should be as specific as possible; this explains why there are so many steps before item #8.