NEPA
National Environmental Policy Act
LESSONS LEARNED
U.S. DEPARTMENT OF ENERGY QUARTERLY REPORT

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Keys to Managing an Expanded NEPA Workload: Close Communication and Coordination

Frequent communication between senior program managers and NEPA staff, as well as close coordination among all involved DOE offices, enabled the Office of Energy Efficiency and Renewable Energy (EERE) to meet the challenge of completing an unprecedented number of NEPA reviews in recent years. From 2009 through 2011, EERE distributed approximately $16.8 billion from the American Recovery and Reinvestment Act of 2009 (Recovery Act) through about 3,000 grants, many of which included subrecipient awards that required separate NEPA review. This involved about 8,000 categorical exclusion determinations and preparation of about 70 environmental assessments (EAs).

Efficient, Effective Project Management

EERE holds quarterly Program Management Reviews with each EERE technology program to discuss the status of Recovery Act projects. It held 32 such meetings in 2011. In these meetings, EERE NEPA staff briefs Program Managers on specific NEPA and permitting issues for their projects. In addition, NEPA staff circulates a biweekly status report on ongoing EAs throughout EERE, including to its senior managers, and to senior staff across the Department.

"Reporting the status of NEPA actions and integrating project management and NEPA review schedules are essential elements of this process," explained Scott E. Hine, Director, EERE Office of Project Management and Evaluation. "Frequent communication ensures that EERE Program Managers and senior staff have the information they need to effectively manage their Recovery Act projects." It greatly reduced duplicative data requests received by NEPA staff, as the reports could be referenced consistently in preparing the various Recovery Act briefings and for other communications over the past 3 years, he added.

EERE's Recovery Act NEPA workload could not be completed without close coordination among EERE and DOE senior leadership, the EERE technology programs, EERE's NEPA Compliance Officers and document managers, the Office of General Counsel, and the multiple field organizations supporting the EERE NEPA reviews, explained Mr. Hine. For example, EERE's process for preparing EAs included early team meetings to discuss document structure for similar projects, alternatives, proposed action language, and impact analysis. Teamwork was necessary to produce EAs that were consistent in format and level of impact analysis for similar projects across technology areas, he added.

Constant tracking and communication of Recovery Act NEPA work ensured that all levels of program leadership were made aware of the NEPA status of their projects, which enabled them to effectively manage an unparalleled amount of highly visible work in a limited time frame and with limited resources.

– Scott E. Hine, Director
EERE Office of Project Management and Evaluation

One result of these efforts is that EERE's median cost and time to complete EAs for Recovery Act projects is about 40 percent lower than DOE's median for other EAs (based on data presented in *LLQR*, September 2011, page 1). For more information, contact Caroline Mann, Program Analyst, EERE, at caroline.mann@ee.doe.gov or 202-287-5380.

Inside *LESSONS LEARNED*

Welcome to the 70th quarterly report on lessons learned in the NEPA process. This issue features successful practices from recent NEPA reviews and current Council on Environmental Quality initiatives promoting efficient NEPA compliance. Thank you for your continued support of the Lessons Learned program. As always, we welcome your suggestions for improvement.

Carol Borgstrom
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 May 1, 2012. Contact Yardena Mansoor at yardena.mansoor@hq.doe.gov.

Quarterly Questionnaires Due May 1, 2012

Lessons Learned Questionnaires for NEPA documents completed during the second quarter of Fiscal Year 2012 (January 1 through March 31, 2012) should be submitted by May 1, 2012, 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.

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.

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

DOE to Hold Asset Revitalization Workshop

DOE is planning a two-day workshop on its Asset Revitalization Initiative to be hosted by the Oak Ridge Office (ORO) in mid-June 2012.

The focus of the workshop is to share lessons learned and best practices associated with property transfers, NEPA reviews, and stakeholder interactions. "We hope by sharing these lessons and best practices that we can streamline the processes and establish contacts with other organizations and individuals who have relevant experience," said Cynthia Anderson, Program Executive Officer for Asset Revitalization.

DOE's Office of NEPA Policy and Compliance, Loan Programs Office, Property Transfer Working Group, and several field offices, and the U.S. General Services Administration, will present lessons learned and best practices associated. In addition, DOE's Offices of Tribal and Intergovernmental Affairs and of Civil Rights, and the U.S. Institute for Environmental Conflict Resolution, will present best practices with respect to Tribal consultation, diversity, and stakeholder communications to ensure success. The agenda is still being developed and other topics may be added.

ORO will be setting up teleconferencing and/or televideo access. For further information, contact Shirley Olinger at shirley.olinger@rl.doe.gov or 509-539-3229.

Recent NEPA Reviews Illustrate Lessons Learned

Below we feature lessons learned from two recent DOE NEPA reviews: an environmental impact statement (EIS) for a proposed solar farm and an EA for proposed use of DOE property for military training exercises. The Loan Programs Office (LP) completed the EIS in 10 months, and the NEPA Document Manager, Angela Colamaria, shares tips from her experience developing an aggressive schedule and holding everyone to it. Drew Grainger, NEPA Compliance Officer at the Savannah River Site (SRS), highlights the importance of teamwork in preparing a plan to avoid adverse environmental impacts. We invite other NEPA practitioners to share their lessons learned in future issues of LLQR. *Contact Yardena Mansoor at yardena.mansoor@hq.doe.gov with your ideas.*

An EIS in 10 Months . . . It Can Be Done!

The project proponent applied for a DOE loan guarantee for the construction and startup of the Topaz Solar Farm in San Luis Obispo County, California, in the fall of 2010, and DOE issued the final EIS (DOE/EIS-0458) in August 2011. Although the applicant ultimately withdrew its request for a loan guarantee and pursued the project with other funding, the experience provides helpful insights on how to successfully conduct an expedited NEPA review.

Get a Head Start and Make Every Minute Count

Ms. Colamaria met with local and state officials early on to discuss issues identified during the California Environmental Quality Act (CEQA) process. "Meetings with county and state parties were helpful in identifying potential 'big issues' for DOE's NEPA process ahead of time," said Ms. Colamaria.

Ultimately, discussions with state and local officials and use of select analyses from the environmental impact report (CEQA's EIS-equivalent) decreased the data collection needs and gave LP a head start in preparing the EIS. LP began drafting parts of the EIS (purpose and need, proposed action, alternatives) before the scoping period ended. Later, LP supplemented the drafted chapters with text regarding any new issues or recommendations that arose during the scoping period.

For internal review of the EIS, LP shared individual chapters with DOE reviewers as they were completed. This approach facilitated early identification of concerns and agreement on the overall approach prior to review of the entire preliminary EIS. "We were able to make edits in real time, allowing for a quick overall review of the document once fully drafted," Ms. Colamaria explained. LP used a similar "batch" approach in sharing public comments on the draft EIS with the internal DOE team as they were received in order to keep the group apprised of issues.

Arrays of ground-mounted PV modules would be manufactured and installed at Topaz Solar Farm by the project proponent, First Solar, LLC.

Get Team Buy-In on Schedule

Throughout preparation of the EIS, LP focused on clear communication with internal DOE team members and outside resource agencies, including the U.S. Army Corps of Engineers (a cooperating agency). LP first assembled the internal DOE team to discuss the approach for completing the EIS on an expedited schedule. "Negotiate a schedule with detailed due dates for every review milestone and deliverable, and obtain agreement from reviewers," recommended Ms. Colamaria. "If all parties have negotiated and agreed to a schedule in writing, it provides an extra layer of accountability."

LP also identified potential cooperating and consulting agencies at the beginning of the process. Ms. Colamaria explained that negotiating review schedules with outside resource agencies was an essential part of integrating NEPA requirements with other environmental review and consultation requirements, and "it allowed us to stay on schedule." For example, DOE negotiated a firm 135-day review period with the U.S. Fish and Wildlife Service (USFWS) in order to complete Section 7 consultation under the Endangered Species Act (ESA). Then LP stayed in contact with USFWS staff to answer questions as they arose and engaged the DOE Office of General Counsel and Department of the Interior's Office of the Solicitor to assist with resolving a challenging ESA issue regarding the scope of the Incidental Take Statement. Ms. Colamaria recommends that NEPA Document Managers share drafts of the Biological Assessment with USFWS staff and follow up with them to address any concerns prior to DOE's formal submission of the assessment.

LP also monitored the local permitting and approval process that was ongoing as the Topaz Solar Farm EIS was being finalized. "Ultimately, the local (or state) permitting process can affect the scope, location, or layout of a project. If you have a good working relationship with the

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Recent NEPA Reviews *(continued from previous page)*

state or local agency, they can inform you of any potential changes that would need to be reflected in the NEPA document," noted Ms. Colamaria.

For additional information on LP's expedited preparation of the Topaz Solar Farm EIS, contact Ms. Colamaria at angela.colamaria@hq.doe.gov.

Suggested Tips for Managing an Expedited NEPA Document

by Angela Colamaria, NEPA Document Manager

- Obtain agreement on the schedule from all reviewers and outside agencies, particularly agreement on turnaround times.
- Keep team members' expectations realistic.
- Conduct regular phone calls (e.g., weekly) with the EIS contractor and team members to discuss information needs and keep everyone on the same page.
- Distribute a work product by close of business, rather than first thing the next morning; this can make a big difference when you need a signature or other time-sensitive step completed.
- Keep a detailed list of promised deliverables from all team members and remind, remind, remind – or when all else fails, nag.

Teamwork Generates Plan to Avoid Impacts of Military Training Exercises at SRS

The approximately 300-square-mile SRS includes large tracts of undeveloped land with road networks, terrain features, vegetative cover, and existing or proposed decommissioned facilities suitable for low-intensity tactical maneuver training; SRS's location near Aiken, South Carolina, allows groups from different Army bases to converge for joint training exercises. In view of these advantages, DOE and the Army entered into an Interagency Agreement in 2009 to provide the Army access to SRS for such training. The agreement called for preparation of an *EA for the Proposed Use of Savannah River Site Lands for Military Training* (SRS Military Training EA) (DOE/EA-1606). DOE established an integrated project team to identify SRS areas appropriate for the proposed military training exercises and to develop procedures to jointly meet the SRS mission, satisfy the Army's training needs, and ensure no significant impact to the environment.

The challenge in preparing this EA stemmed from the wide range of activities, potential locations, and interconnected

In one type of military training exercise planned for SRS, participants disable a storage cask.

issues of interest to multiple parties, including other "tenants" who perform work at SRS, federal and state regulators, and agencies with jurisdiction over special resources, explained Mr. Grainger. To meet this challenge, the integrated project team of representatives of DOE, the Army, U.S. Forest Service-Savannah River, Savannah River National Laboratory, and Savannah River Nuclear Solutions (an SRS contractor) worked together to define areas suitable for the various kinds of training exercises the Army would carry out. These areas meet the physical needs for the types of training, do not interfere with SRS missions, and respect environmental considerations, such as areas set-aside under the Site's National Environmental Research Park program.

Collaborative teamwork by an integrated project team led to the successful identification of areas suitable for Army military training exercises at SRS and development of planning procedures to ensure no significant impact to the environment.

– Drew Grainger
SRS NEPA Compliance Officer

After months of challenging collaboration, the team agreed on the Joint Standard Operating Procedures, a set of guidelines and processes governing the Army's use of SRS for military training. "The Joint Standard Operating Procedures ensure that each exercise can be conducted without interfering with SRS operations and that SRS operations do not interfere with the Army's training exercise," explained Mr. Grainger. "Further, the procedures represent a process not just to mitigate environmental impacts, but to ensure that no significant damage occurs in the first place."

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Recent NEPA Reviews *(continued from previous page)*

The procedures place limits on the training activities, which help define the potential environmental effects. For example, because the procedures limit wetland crossings to small numbers of personnel at designated areas, DOE was able to determine that impacts on wetlands would not be significant. Similarly, because known locations of endangered species are off limits to the training exercises, the USFWS agreed with DOE's determination that the proposed action is not likely to adversely affect threatened or endangered species. The Army, DOE, and the Forest Service, which manages the SRS recovery plan for endangered red-cockaded woodpeckers, worked closely with the USFWS to modify the recovery plan to incorporate Army experience from other installations that support both military training and protection of red-cockaded woodpeckers. The EA also considered that the Army must incorporate Best Management Practices into its training exercises to protect water quality.

The commitment of DOE and the Army to making SRS lands available for military training, and the close working relationship in developing the EA and the procedures, culminated in a Final EA and Finding of No Significant Impact in December 2011. The first Army training exercise at SRS, a hostage rescue scenario, was conducted successfully a month later; additional exercises have been conducted and more are planned for the future.

The procedures analyzed in the Military Training EA are designed to avoid impacts to endangered species found at SRS – the red-cockaded woodpecker (shown), wood stork, shortnose sturgeon, smooth purple coneflower, and pondberry – and the formerly endangered American bald eagle. (photo: Michael McCloy for U.S. Fish and Wildlife Service)

DOE and the Army have agreed to start slowly, with small numbers of military personnel, in order to ensure the procedures function as intended. In addition, the procedures recognize the need for adaptive management related to unforeseen impacts.

For additional information on the SRS Military Training EA, contact Steve Danker, NEPA Document Manager, at stephen.danker@srs.gov or 803-952-8603.

NEPA Order Revision Incorporates Public Review of EAs

DOE has updated its NEPA Order (DOE Order 451.1B, Change 3, *National Environmental Policy Act Compliance Program*) to incorporate the policy articulated in the Deputy Secretary's memorandum on "Public Involvement in the Environmental Assessment Process" (July 16, 2010; *LLQR*, September 2010, page 1). The two substantive changes are:

- A new paragraph 4.h stating that DOE's NEPA Compliance Program shall include "Opportunity, whenever possible, for interested parties to review an environmental assessment (concurrent with host state/tribal review under 10 CFR 1021.301) prior to DOE approval."
- An addition to NEPA Compliance Officer (NCO) responsibilities stating, in paragraph 5.d, that "when an Office makes a draft environmental assessment available for public review, in addition to its usual method of doing so, [the NCO shall] ensure that the draft is posted on the Department's NEPA website before the start of the public review period."

DOE also made several technical corrections – for example, an update to recognize the October 2006 disestablishment of the Office of Environment, Safety and Health. The changes became effective January 19, 2012. The DOE NEPA Order is available on the DOE NEPA Website.

Bureau of Reclamation Updates NEPA Handbook

The Bureau of Reclamation (BOR) issued a February 2012 update of its *NEPA Handbook* (*www.usbr.gov/nepa*), a guidance tool for BOR staff. The BOR *NEPA Handbook* outlines the elements of the NEPA process in the context of BOR programs and activities. It provides a categorical exclusion checklist, EA and EIS guidance, and resources, such as an example of a cooperating agency memorandum of understanding. Appendices include a collection of regulations, procedure manuals, and guidance issued by the Council on Environmental Quality, Environmental Protection Agency, Department of the Interior, and BOR.

CEQ Expands NEPA Modernization Activities

The Council on Environmental Quality (CEQ) initiated two new activities in the past quarter as part of its efforts to modernize and reinvigorate NEPA. (See related article, page 7.)

Creating a NEPA IT Toolbox

Developing a "NEPA IT Toolbox" to facilitate effective integration, collaboration, and engagement over the life cycle of the NEPA process is one goal of CEQ's new interagency NEPA IT ("information technology") Working Group. The working group will address impediments to acquiring and using information technology to improve NEPA implementation, said John Jediny, Deputy Associate Director of NEPA Oversight. (Mr. Jediny, an Environmental Specialist with DOE's Office of Energy Efficiency and Renewable Energy (EERE), is currently on detail to CEQ.)

The working group has conducted an informal survey of federal agency NEPA contacts to assess the availability and accessibility of IT tools. The working group intends to further explore IT tools available to NEPA practitioners across the Federal Government, including tools for data collection and analysis, process management, document management, and public involvement (e.g., comment receipt and analysis tools, or use of maps and other geospatial platforms to facilitate commenting).

Eric Cohen, Unit Leader, Office of NEPA Policy and Compliance, is serving as DOE's representative on the NEPA IT Working Group. He may be reached at eric.cohen@hq.doe.gov.

Sharing Examples of NEPA Efficiencies

CEQ has established a web-based NEPA Efficiencies Clearinghouse for federal agencies to share examples of ways to help prepare timely, effective, and efficient NEPA reviews. Examples are grouped into nine categories: concise NEPA documents, early NEPA integration in planning, scoping, inter-governmental coordination (state, local, or tribal environmental reviews), coordinating reviews and documents under other applicable laws, adoption, incorporation by reference, expediting responses to comments, and clear timelines for NEPA reviews.

The clearinghouse is designed to allow NEPA practitioners to freely share ideas and learn from each other. DOE has posted two items developed by EERE's Golden Field Office: a template for a cooperating agency memorandum of understanding and a template for the initial chapter of an EA. Participation requires a Federal Government email address and registration at *www.max.gov*. The clearinghouse is located in CEQ's portion of the website.

CEQ Draft Guidance Promotes Efficient NEPA Reviews

The Council on Environmental Quality (CEQ) issued draft guidance in December 2011 that "offers concrete tools for each step of the NEPA review process, providing, in sum, a more thorough, efficient, and informed analysis of environmental issues." CEQ explains that NEPA and the CEQ NEPA Regulations (40 CFR 1500–1508) "provide numerous techniques for preparing efficient and timely environmental reviews" and that the guidance is intended to "emphasize and clarify these techniques, consistent with a thorough and meaningful environmental review."

The draft guidance makes clear that many provisions of the CEQ Regulations that specifically refer to an EIS can also apply to preparation of an EA. The draft guidance notes, for example, that although the CEQ Regulations address scoping of an EIS, agencies "can also choose to take advantage of scoping when preparing an EA that deals with uncertainty or controversy regarding potential conflicts over the use of resources or the environmental effects of the proposed action."

"The individual issues addressed," CEQ summarizes in the draft guidance, "include the use of concise NEPA documents focused on particular environmental issues, the integration of NEPA into preliminary parts of the planning process, and a more prevalent role of scoping in the development of NEPA reviews. The guidance also advises agencies to collaborate with other government bodies – including state, local, or Tribal – and coordinate reviews and documents with other laws to allow for greater efficiency. It further explains the adoption of other Federal agency reviews, the procedure and ability to incorporate information contained in other documents into a review, and the role of reasonable and proportionate responses to comments within the NEPA process. Finally, the guidance proposes agencies utilize appropriate time limits to promote efficiency."

Next Steps

CEQ received approximately 60 comments on "Improving the Process for Preparing Efficient and Timely Environmental Reviews under [NEPA]" (76 FR 77492; December 13, 2011) during a public review period that ended on January 27, 2012. The draft guidance and public comments are available on CEQ's website. CEQ will review and consider all public input before finalizing the guidance.

CEQ Selects More Pilot Projects Aimed at Expediting NEPA Review

The Council on Environmental Quality (CEQ) recently selected its fourth and fifth pilot projects under an initiative it launched in March 2011 to demonstrate ways to improve NEPA implementation. The fourth project is a Department of Transportation (DOT) NEPA pilot project for high-speed passenger rail service, and the fifth project is a U.S. Forest Service (Forest Service) proposal for identifying lessons learned from two ongoing forest restoration projects. The first three NEPA pilot projects selected by CEQ involve the use of information technology and identification of best practices for the preparation of EAs. (See *LLQR*, December 2011, page 11, and June 2011, page 11.)

DOT High-Speed Rail Service Project

By starting the environmental review process early, involving stakeholders, and posting project timelines and progress, DOT aims to save time and money through its NEPA pilot project for high-speed passenger rail service in the Northeast. "The Northeast Corridor is the busiest rail corridor in the U.S.," said DOT Secretary Ray LaHood. "Our planned improvements will lead to more jobs, a stronger rail system and a stronger economy. By bringing all involved parties to the table earlier in the process, we will do the job better and finish it sooner."

"Through this pilot project, CEQ and DOT will work with stakeholders to identify efficiencies to speed the environmental review process that will inform selection of service types and station locations for high-speed rail in the Northeast Corridor. The pilot will engage Federal, state, and local governments and the public in the environmental review process earlier to set benchmarks that maintain rigorous environmental protections and save time and costs by avoiding conflicts and delays in the later steps of rail-project development," explained CEQ and DOT in their January 13, 2012, announcement. "CEQ will use efficiencies identified for the high-speed rail project to develop best practices for environmental reviews across the Federal Government."

[NEPA] provides essential protections for American communities and the natural resources our economy depends on. This [DOT] pilot project will ensure a collaborative environmental review process for quicker, better-informed decisions for the Northeast Corridor high-speed rail project.

– Nancy Sutley, CEQ Chair, January 13, 2012

"To promote transparency and public input," the announcement described, "DOT will post project timelines and progress on the *Federal Infrastructure Projects Dashboard*," which was launched in November 2011 to track high-impact infrastructure projects on expedited review schedules. A federal interagency group called the Transportation Rapid Response Team will "help coordinate the high-speed rail planning process to ensure quick resolution of any interagency conflicts," the announcement added.

U.S. Forest Service Restoration Projects

The Forest Service will compare and contrast environmental review methods used for a landscape-scale (approximately 1 million acres) forest restoration initiative in Arizona and a smaller-scale project (approximately 5,000 acres) in Oregon. "These two projects demonstrate that by involving partners early in the NEPA process we can cut costs and operate more efficiently while still maintaining strong environmental safeguards at the ground level," said Forest Service Chief Tom Tidwell.

NEPA is a cornerstone of our country's environmental protections and critical to protecting the health of American communities and the natural resources we depend on. This [Forest Service] pilot project will promote faster and more effective Federal decisions on projects that will help restore our forests and support strong and healthy communities and economies.

– Nancy Sutley, February 9, 2012

For the Arizona project, the Forest Service will "employ a collaborative NEPA approach to plan and analyze the proposed restoration activities in an [EIS] of unprecedented scale and scope for forest restoration activities," stated the February 9, 2012, announcement by CEQ and the Forest Service. For the Oregon project, the Forest Service will "employ an innovative approach to NEPA by engaging local, state and tribal partners in the environmental review process up front to an unprecedented extent. In an effort to reduce potential conflicts and delays, the partners will collaboratively prepare the environmental review and implement the selected land restoration project," the announcement continued. Together, CEQ and the Forest Service will compile lessons learned and use them to develop best practices for future land restoration projects.

More information on CEQ's NEPA pilot program is available on the CEQ website.

DOE-Wide NEPA Contracts Update

The Contact Specialist now administering the DOE-wide NEPA contracts is Virginia (Ginny) Odierno, who joined DOE one year ago as a participant in the National Nuclear Security Administration's (NNSA's) Future Leaders Program. Ms. Odierno is located in the Office of Acquisition Management and can be reached at virginia.odierno@nnsa.doe.gov or 202-586-3240.

In late 2008 and early 2009, DOE awarded seven contracts for NEPA support services – three under full and open competition and four under a small business set-aside. These contracts are the third set of indefinite delivery-indefinite quantity task order contracts for the preparation of EISs, EAs, and related environmental documents. This approach to NEPA support contracts was first established in 1997 (*LLQR*, June 1997, page 1), as an outcome of a NEPA Contracting Reform Initiative.

The contracts, established in advance of specific task needs, are managed by NNSA to provide DOE Program and Field Offices, and the Federal Energy Regulatory Commission, with quick access to a complete range of expertise in disciplines required for DOE NEPA documents.

Additional information and resources for potential users of the DOE-wide NEPA contracts, including the contracts' Statement of Work (which can be a model for a task statement of work) and a listing of the contractors' Contracts Program Managers, are available on the DOE NEPA Website at *http://energy.gov/nepa/doe-wide-nepa-contracting*.

Task Orders Awarded

The following Task Orders awarded under the current DOE-wide NEPA contracts have not been previously reported in *LLQR*. Prior tasks awarded under these contracts are listed in *LLQR*, June 2009, page 13; September 2009, page 19; December 2009, page 16; and June 2010, page 14.

Description	DOE Contact	Date Awarded	Contract Team
EIS for Disposition of the Kansas City Plant	Nathan Gorn 816-997-4197 nathan.gorn@nnsa.doe.gov	1/12/2011	JAD Environmental
Supplemental EIS for Production of Tritium in Commercial Light Water Reactors	Curtis Chambellan 505-845-5073 curtis.chambellan@nnsa.doe.gov	4/22/2011	JAD Environmental
EA for Commercial Domestic Production of the Medical Isotope Molybdenum-99	Jeffrey Chamberlin 202-586-1474 jeffrey.chamberlin@hq.doe.gov	5/12/2011	Los Alamos Technical Associates
Site-wide EIS for Sandia National Laboratories	Susan Lacy 505-845-5542 susan.lacy@nnsa.doe.gov	9/7/2011	Los Alamos Technical Associates
EIS for Hanford Site Natural Gas Utility Service and Pipeline	Doug Chapin 509-373-9396 douglas.chapin@rl.doe.gov	9/30/2011	JAD Environmental

NEPA Contracts: Task Ordering Process

When a DOE office identifies the need for contractor support for a NEPA document and is considering use of the DOE-wide support contracts, the technical lead of the "ordering office" (usually the NEPA Document Manager) should contact NNSA's Team Lead for Contracting Officer's Representatives as early as possible.

Team Lead for Contracting Officer's Representatives

Janet Langweil
janet.langweil@nnsa.doe.gov
202-287-6074

After this consultation, the ordering office may rely on the NNSA Office of Business Operations and Office of Enterprise Project Management to conduct the task procurement and administration, or may perform these functions itself. When NNSA provides the services, the Contracting Officer's Representative for the DOE-wide NEPA contracts will assist the NEPA Document Manager in developing the task's procurement request:

Contracting Officer's Representative

Won B. (Bo) Sim
won.sim@nnsa.doe.gov
202-586-6556

- Determination to prepare an EA or EIS
- Task statement of work
- Independent government cost estimate
- Reporting requirements list
- Other documents, including a Contracting Officer's Representative designation, an organizational conflict of interest fact sheet, and, if needed, a Contract Security Classification Specification Form.

After reviewing a completed procurement request package, a Contract Specialist in NNSA's Office of Acquisition Management will advise the NEPA Document Manager on ways to improve the statement of work or performance work statement and work with the NEPA Document Manager to develop a task order strategy: whether the task should be reserved for small business or competed in full-and-open competition, whether proposing teams' technical approach will be presented via written proposal or oral presentation, and the evaluation criteria (typically a combination of technical approach, price, and past performance) and their weightings.

Contract Specialist

Virginia (Ginny) Odierno
virginia.odierno@nnsa.doe.gov
202-586-3240

The Contract Specialist will then submit a request for proposal or a "request for quote" to the DOE-wide contractor teams, usually with proposals due 10 calendar days later. The Contract Specialist will evaluate the resulting task proposals with the NEPA Document Manager and issue the task order. A major benefit of the DOE-wide NEPA contracts is that a task order is awarded on average 3 weeks after the request for quote is issued.

The NNSA Contract Specialist will continue to run the task award process for both NNSA and non-NNSA tasks; alternatively, non-NNSA offices may request that contract funds be transferred to them, and they can award their own task. NNSA administers tasks for NNSA, but usually non-NNSA Headquarters or Field procurement staff would administer their offices' tasks. "We will assist anyone or any office," affirms Bo Sim, NNSA Contracting Officer's Representative.

Small Business Policy

Under 48 CFR 19.502-2(b) of the Federal Acquisition Regulation, a task order exceeding $3,000 but not over $150,000 is automatically reserved for small businesses. (Since the DOE-wide contracts were awarded, the upper limit for small business set-aside was raised from $100,000 to $150,000.) Further, for multiple award contracts, DOE applies the "Rule of Two" to competitions for task orders. That is, for a task order worth over $150,000, if at least two small businesses are qualified to perform the work at fair market price, the task order will be set aside for competition among the small businesses. In meeting this requirement, a small business contractor may team with one of the other DOE-wide teams or other contractors and serve as the lead on the task, and must perform at least half of the work.

Tips for an Effective Statement of Work

- Conduct internal scoping before the task order process to establish a concise statement of purpose and need and the alternatives to be analyzed – for proposals to more closely match the desired document.
- Strive for short NEPA documents, for example setting page limits and specifying that technical material shall be placed in appendices or incorporated by reference – to expedite document preparation, review, and approval.
- Specify the content of each deliverable instead of how the contractor should perform the work – to encourage innovative approaches.
- Include interim deliverables and prompt feedback commitments – so resources are not wasted going down a wrong path.

Most DOE EISs Involve Cooperating Agencies

In 2011, 72 percent of DOE EISs were being prepared with cooperating agencies, according to DOE's latest annual Cooperating Agency Report to the Council on Environmental Quality (CEQ). The report covers 57 EISs for which DOE is the lead or co-lead agency and that were completed during Fiscal Year 2011 or were still ongoing as of September 30, 2011. Since reporting began (for Fiscal Year 2006), between half and three quarters of DOE EISs have had cooperating agencies.

A cooperating agency participates in the preparation of an EIS based on its jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed action or reasonable alternative, and may be a federal, state, or local agency, or an Indian tribe (40 CFR 1508.5). The selection and responsibilities of a cooperating agency are described at 40 CFR 1501.6.

Of the 41 DOE EISs with cooperating agencies, almost half have just one cooperating agency, and most of the remainder have two to five. A small number of EISs have many more cooperating agencies, including 21 for the Programmatic EIS for Solar Energy Development in Six Southwestern States (DOE/EIS-0403), and more than 40 for an EIS for the TransWest Express Transmission Project in Wyoming, Colorado, Utah, and Nevada (DOE/EIS-0450)! DOE also reported that 7 of the 61 EAs (11 percent) that DOE completed during Fiscal Year 2011 were prepared with cooperating agencies.

This annual report is part of CEQ's efforts to encourage the involvement of nonfederal agencies as cooperating agencies. Eighty-five percent of DOE EISs with cooperating agencies in 2011 had at least one federal agency; 40 percent had at least one state agency; 22 percent had at least one local agency; and 5 percent involved at least one tribal government.

In the report, each agency must identify the reasons for not establishing cooperating agency status. The reasons most frequently cited by NEPA Document Managers for DOE EISs without cooperating agencies are that no candidates were identified with special expertise or jurisdiction by law and that the agencies invited as potential cooperating agencies have other ways of participating in the NEPA process.

The report does not address all the ways that agencies participate in DOE EISs. For example, American Indian tribal governments participate substantively in many DOE EIS processes through government-to-government consultation. CEQ guidance on cooperating agencies is available on the DOE NEPA Website at *http://energy.gov/nepa/cooperating-agencies*. For further information, contact Yardena Mansoor at yardena.mansoor@hq.doe.gov.

NEPA Document Managers See Benefits from Participation of Cooperating Agencies

Better Information, More Efficiently

A cooperating agency's expertise can make a NEPA process more informative and efficient, as illustrated by DOE's EA for *Geothermal Expansion to Boise State University, Boise, Idaho* (DOE/EA-1763, 2010). DOE and the Department of Housing and Urban Development (HUD), the cooperating agency, proposed to provide funding for the design and construction of a 2-mile extension of the City of Boise's geothermal system. Under HUD's regulations (24 CFR 58.4), the City assumed responsibility for environmental review, decisionmaking, and action that would otherwise apply to HUD under NEPA.

The City's 13-mile geothermal heating system heats approximately 3.8 million square feet of building space. The expansion would carry the system to the university campus and add capacity to heat another 1 million square feet. "The City's expertise in the technology and site-specific conditions allowed us to incorporate information into the analysis very efficiently," concluded Melissa Rossiter, NEPA Document Manager, DOE's Golden Field Office. "They enabled us to work through the EA process smoothly, including coordinating with the Army Corps of Engineers and Fish and Wildlife Service, and the State Historic Preservation Office," she observed.

Many Jurisdictions, Many Cooperating Agencies

The proposed new TransWest Express transmission line, involving more than 40 cooperating agencies, would span more than 700 miles to connect proposed renewable energy resources in Wyoming to electricity customers in southern Nevada. The Bureau of Land Management and Western Area Power Administration, the joint lead preparers of this EIS, recognize that the right-of-way applications and construction activities potentially affect the interests of several federal land and resource management agencies (e.g., Forest Service, Fish and Wildlife Service, National Park Service) and the Department of Defense (Corps of Engineers, Navy); 4 states and 20 counties; and 6 other agencies such as conservation districts and grazing boards. Native American tribes also are involved, through government-to-government consultation.

Although it is challenging to organize communications among so many cooperating agencies, it is most efficient to establish their participation early in the environmental review process, observed Liana Reilly, Western's NEPA Document Manager. "We aim to develop a document that takes all agencies' concerns into account," she said, "and that can be used to inform each cooperating agency's decision."

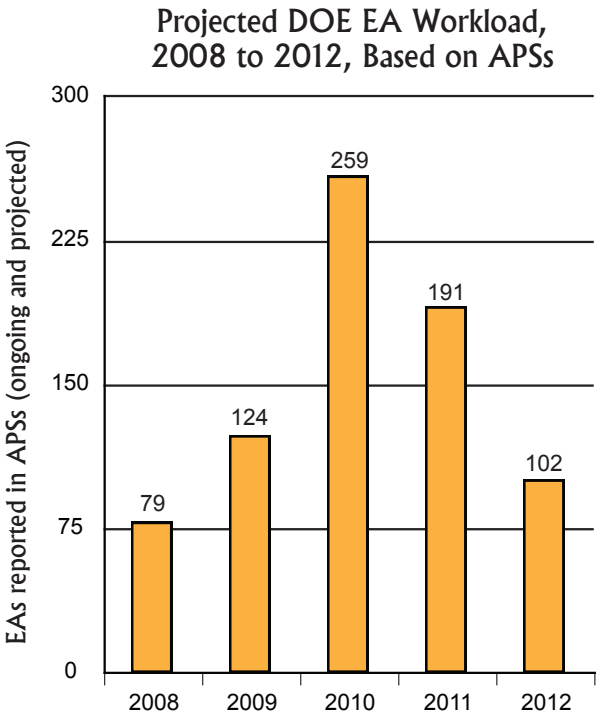
Annual NEPA Planning Summaries Need DOE Senior Management Involvement

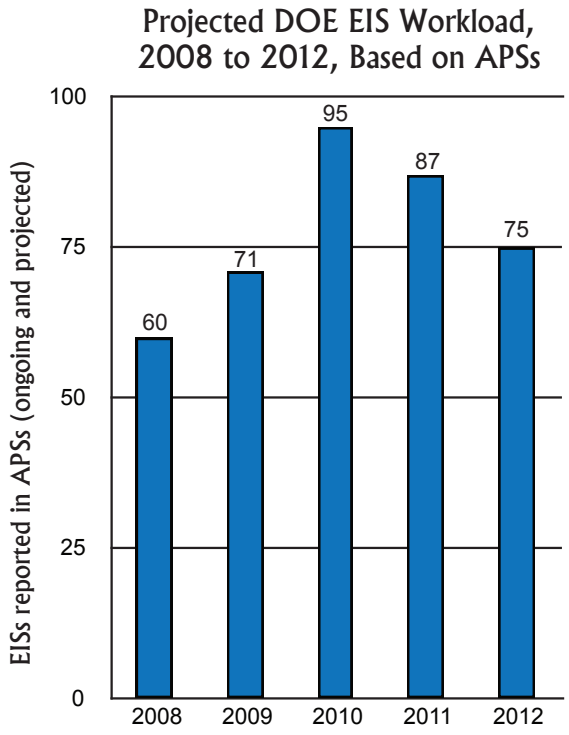
DOE Order 451.1B, *NEPA Compliance Program*, requires that each Secretarial Officer and Head of a Field Organization submit an annual NEPA planning summary (APS) to the General Counsel by January 31 of each year and make it available to the public. As specified in the Order, an APS must include the status of ongoing NEPA compliance activities, as well as any EAs expected to be prepared in the next 12 months and any EISs expected to be prepared in the next 24 months. An APS must also contain estimated cost and schedule for completion of each NEPA review identified.

These requirements were instituted to help ensure that senior management officials are involved in their organizations' NEPA planning process and that adequate resources (money, staff, and time) are allocated to enable timely compliance, as noted in the APS guidance issued in 2003. This 2003 guidance on preparing APSs also specifies that the Secretarial Officers and Heads of Field Organization (or their acting designees) should sign the APSs, not the NEPA Compliance Officers, to assure the involvement of senior management in their organization's NEPA planning process. An APS is intended to help ensure that NEPA activities are aligned with program priorities to enable timely decisionmaking. While the Office of General Counsel is the gatekeeper for all of DOE's APSs and uses them to help plan its future workload and identify crosscutting issues within the Department, these activities are a byproduct of the intended purpose.

Forty-seven DOE organizations submitted APSs for 2012. Seventeen organizations projected that they would be starting a total of 46 new EAs in 2012 and 18 new EISs in 2012–2013. This projected new workload is in addition to the 56 EAs and 57 EISs currently being prepared by all of DOE. Of the 47 APSs submitted, most did not include cost and schedule information. For example, only about 35 percent of EAs and approximately 30 percent of EISs contained appropriate schedule information. Without a target to aim at, a number of these EAs and EISs may not progress as efficiently or smoothly as those with detailed schedules.

The anticipated workload for ongoing and projected EAs and EISs is much lower than reported in the previous 2 years (Figures 1 and 2, and *LLQR*, March 2011, page 14), due, in part, to completion of many of the NEPA reviews for projects funded by the American Recovery and Reinvestment Act of 2009. The most noticeable decrease in workload is for EAs, a reduction of more than half from the 2010 level. It should be noted, however, that the projected workloads for both EAs and EISs exceed pre-Recovery Act levels of 2008. The APSs are available for review on the DOE NEPA Website at *http://energy.gov/nepa/nepa-documents/document-status-schedules*.





Transitions

New NEPA Compliance Officers

Advanced Research Projects Agency-Energy: Bill Bierbower

William (Bill) Bierbower, Chief Counsel of Advanced Research Projects Agency-Energy (ARPA-E), is ARPA-E's new NEPA Compliance Officer (NCO). (He also was ARPA-E's first NCO, from October 2009 through January 2010.) He previously served as Chief Counsel of the National Aeronautics and Space Administration's (NASA's) Marshall Space Flight Center and, earlier, as Directorate Lead Counsel at NASA Headquarters. Mr. Bierbower can be reached at william.bierbower@hq.doe.gov or 202-287-6585.

Matt Dunne, ARPA-E's Deputy Chief Counsel and the previous NCO, has accepted the challenge of serving as the NEPA Document Manager for a programmatic EIS arising from ARPA-E's Plants Engineered to Replace Oil and Electrofuels technology development programs, which are intended to accelerate the commercial deployment of advanced biofuels.

Bonneville Power Administration: Stacy Mason

Bonneville Power Administration (BPA) has designated **Stacy Mason** as an NCO to assist the lead (and long-term) NCO, Kathy Pierce, in meeting the challenges of a growing NEPA work load. During her 23 years in BPA's Environment, Fish and Wildlife organization, Ms. Mason managed environmental analyses for transmission line projects, including four EISs. She can be reached at slmason@bpa.gov or 503-230-5455.

Pacific Northwest Site Office: Theresa Aldridge

Theresa Aldridge was recently designated as the first NCO for the Office of Science's Pacific Northwest Site Office (PNSO) in Richland, Washington. Ms. Aldridge has been a member of the PNSO Operations Team, which oversees the technical and operational activities under the Environmental Management System at the Pacific Northwest National Laboratory (PNNL) and has served as the PNSO NEPA coordinator for the past 10 years. She also has served as a Radiological Control Manager and DOE Program Manager for PNNL Dosimetry Services for the DOE-Richland Operations Office. Previously, Peter Siebach, NCO for DOE's Chicago Office, provided NEPA assistance to PNSO. Ms. Aldridge can be reached at theresa.aldridge@pnso.science.doe.gov or 509-372-4508.

NEPA Office

Farewell to Jon Hale and Mike Wach

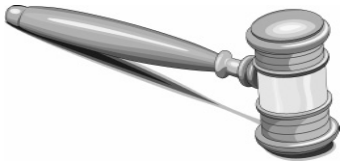
Two members of the Office of NEPA Policy and Compliance, both hired as limited term appointments using American Recovery and Reinvestment Act of 2009 funds, recently left DOE to pursue other opportunities.

With his expertise in biological and environmental disciplines, including 11 years as a NEPA specialist with the U.S. Fish and Wildlife Service (FWS) and in the private sector, **Jon Hale** became the NEPA Office point-of-contact for marine issues after coming aboard in December 2009. He provided valuable expertise in the NEPA rulemaking, particularly for categorical exclusions related to aquatic environments, and served as the Office contact for the Hawaii Interisland Renewable Energy Programmatic EIS. Jon and his wife, a FWS employee, along with their children, moved to Portland, Oregon, at the end of January.

While working in the NEPA Office from February 2010 through December 2011, **Mike Wach** made valuable contributions to both the NEPA rulemaking and redesign of the DOE NEPA Website. Mike enjoyed "the satisfaction of working on a couple of key DOE projects and seeing them to completion," he said. Since starting his new position with the International Life Sciences Institute in Washington, DC, as Senior Scientist for the Center for Environmental Risk Assessment, he has traveled to Brazil and will soon visit Uganda, Vietnam, and Bangladesh.

The NEPA Office deeply appreciates the contributions Jon and Mike made during their time with DOE. We offer our best wishes for their future endeavors.

Litigation Updates



Appeals Court Affirms that DOE Took a "Hard Look" at Intentional Destructive Acts at LLNL Biosafety Lab

The U.S. Court of Appeals for the Ninth Circuit in February affirmed the sufficiency of DOE's analysis of intentional destructive acts in the *Revised EA for the Proposed Construction and Operation of a BSL-3 Facility at Lawrence Livermore National Laboratory, Alameda County, California* (DOE/EA-1442-R, 2008). DOE's NEPA compliance regarding the biosafety level-3 facility at LLNL was the subject of previous litigation in 2006 when the U.S. Court of Appeals for the Ninth Circuit upheld the original EA (DOE/EA-1442, 2002), except for DOE's failure to consider the environmental impacts of a terrorist attack. (See *LLQR*, March 2009, page 24; December 2006, page 3.) On remand, DOE prepared a revised EA to address this issue.

In this most recent round of litigation, *Tri-Valley CAREs v. DOE*, plaintiffs alleged that in the revised EA DOE failed to take a "hard look" at the human health, safety, and environmental risks associated with an intentional terrorist act. The District Court for the Northern District of California disagreed and found in 2010 that the revised EA did adequately consider the environmental impact of such an attack on the BSL-3 facility at LLNL. In the revised EA, DOE considered three general types of terrorist attacks. First, DOE used a bounding analysis to evaluate the potential consequences of a direct attack on the LLNL BSL-3 facility, resulting in loss of containment. The appeals court accepted DOE's reasoning that a catastrophic release that might result from an earthquake or accidental plane crash is analogous to a direct attack scenario (e.g., intentional plane crash, suicide bombing) because the triggering events would result in similar structural damage to the facility. In reaching its conclusion that DOE had taken a hard look at this scenario, the court further noted that DOE provided ample justification and evidence for its choice of model and the manner in which it applied the model to the unique circumstances of the LLNL facility.

Second, in assessing the threat of theft and release by a terrorist outsider, DOE used a comparative nationwide analysis to determine that the LLNL BSL-3 facility would not be an attractive target. The revised EA explained the large number of other BSL-3 facilities in the United States that regularly handle and store the same substances as LLNL's BSL-3 facility and that such substances are also available from common environmental sources. The revised EA also described the high level of security employed at LLNL. The court found no proof in the record that the LLNL BSL-3 facility "is more prone or attractive to terrorist theft and release of a pathogen by an outsider than any other BSL-3 facility."

Third, to analyze the potential theft and release of pathogenic material by an LLNL terrorist insider, the court found that DOE "engaged in a thorough two-step probabilistic analysis" that assessed, first, the probability that an insider with access to BSL-3 pathogens would have the motive to commit such an attack and, then, the resulting public threat. Based on this analysis, the court held that "DOE reasonably concluded, based upon its discretion and a thorough examination . . . that the threat of terrorist attack . . . [from an LLNL terrorist insider] was not significant." (Case No.: 10-17636; February 7, 2012, opinion at *www.ca9.uscourts.gov/opinions*).

2012 National Environmental Justice Conference

"Enhancing communities through capacity building and technology assistance," is the theme of the 2012 National Environmental Justice Conference and Training Program, a 3-day discussion jointly sponsored by DOE, several other federal agencies, and the Howard University School of Law. The conference will be held in Washington, DC, on April 11–13. Melinda Downing, DOE Environmental Justice Program Manager, and Dr. Willie Taylor, Director, Office of Environmental Policy and Compliance, U.S. Department of the Interior, will participate in a conference "kick-off" session. Deputy Secretary of Energy Daniel B. Poneman, Council on Environmental Quality Chair Nancy Sutley, and U.S. Environmental Protection Agency Administrator Lisa P. Jackson have been invited as keynote speakers.

2012 National Environmental Justice Conference & Training Program

In addition, Ms. Downing will lead a session on "Future Leaders of Environmental Justice."

Other potential items of interest to the NEPA community include a session titled "Environmental Justice Federal Interagency Working Group Stakeholder Dialogue" and a plenary session by the Department of Justice's Igancia Moreno, Assistant Attorney General, Environmental and Natural Resources Division.

More information, including the agenda, is available at the conference website (*www.thenejc.org*) or by contacting Ms. Downing at melinda.downing@hq.doe.gov.

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
  www.netionline.com

  NEPA – Recorded Webinar [LIS155R]
  October 1, 2011 – September 30, 2012
  No Fee

- Aarcher Institute of Environmental Training
  410-897-0037
  training@aarcherinstitute.com
  www.aarcherinstitute.com

  NEPA Navigator
  Scottsdale, AZ: April 2-4
  $1,299

- EOS Alliance
  425-270-3274
  pt@nwetc.org
  www.eosalliance.org/schedule/calendar/courses-eos

  NEPA: Writing the Perfect EA/FONSI, or EIS
  San Diego, CA: March 13-14
  Dallas, TX: April 10-11
  Portland, OR: April 24-25
  $595 (GSA contract: $545)

- Graduate School
  888-744-4723
  customersupport@graduateschool.edu
  www.graduateschool.edu/course_details.php?cid=ENVS4435E

  NEPA: Policy, Procedure and Science/Art
  Washington, DC: Tuesdays, April 10 – June 12
  Washington, DC: Thursdays, September 20 – November 29
  $375

- International Institute for Indigenous Resource Management
  303-733-0481
  jeannerubin@iirm.org
  www.iiirm.org

  Workshop on the Strategic Application of NEPA in Indian Country
  Denver, CO: March 21-22
  $495

- Nicholas School of the Environment and Earth Sciences, Duke University
  919-613-8082
  del@nicholas.duke.edu
  www.nicholas.duke.edu/del/executiveed/courses

  Implementation of NEPA
  Durham, NC: March 26-30
  $1,475

  Scoping, Public Involvement, and Environmental Justice *and* the Law of NEPA
  Durham, NC: May 14-18
  $2,475 until 4/16/12

  Current and Emerging Issues in NEPA *and* Accounting for Cumulative Effects in the NEPA Process
  Durham, NC: June 18-22
  $2,475 until 5/21/12

- The Shipley Group
  888-270-2157 or 801-447-5977
  shipley@shipleygroup.com
  www.shipleygroup.com

  Overview of the NEPA Process *and* Managing NEPA Projects and Teams
  Nashville, TN: March 13-16
  $1,185 (GSA contract: $1,095)
  Reno, NV: June 19-22
  $1,145 (GSA contract: $1,055) until 5/1/12

  Applying the NEPA Process: Emphasis on Native American Issues
  Nashville, TN: April 2-4
  $985 (GSA contract: $895)

  Clear Writing for NEPA Specialists
  Virtual Classroom: April 2-4
  $890 (GSA contract: $790)

  Applying the NEPA Process *and* Writing Effective NEPA Documents
  Houston, TX: April 17-20
  $1,145 (GSA contract: $1,055) until 3/5/12

  NEPA Cumulative Effects Analysis and Documentation *and* NEPA Climate Change Analysis and Documentation
  Missoula, MT: April 24-27
  $1,145 (GSA contract: $1,055) until 3/13/12

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Overview of the NEPA Process
Virtual Classroom: May 1
$325 (GSA contract: $225) until 3/20/12

Integrating Federal Environmental Laws into NEPA
Baltimore, MD: May 8-10
$945 (GSA contract: $855) until 3/27/12

Applying the NEPA Process *and* Reviewing NEPA Documents
Seattle, WA: May 14-18
$1,345 (GSA contract: $1,255) until 4/2/12

Core Principles: Telling the NEPA Story, Keeping Documents Brief, Meeting Legal Requirements
Denver, CO: May 22-24
$945 (GSA contract: $855) until 4/10/12

Applying the NEPA Process
Virtual Classroom: June 12-14
$850 (GSA contract: $750) until 5/1/12

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

  Collaboration in NEPA
  Washington, DC: April 24-25
  Denver, CO: June 6-7
  $500

  Effective Tribal Consultation
  Washington, DC: May 2-3
  $500

Customized NEPA Training

- Environmental Impact Training
  512-963-1962
  info@eiatraining.com
  www.eiatraining.com

- Environmental Planning Strategies, Inc.
  563-332-6870
  jleeeps@mchsi.com
  www.jlee-eps.com/workshops.php

- Environmental Training & Consulting International, Inc.
  503-274-1790
  info@envirotrain.com
  www.envirotrain.com

- ICF International
  916-737-3000
  info@icfi.com
  www.icfi.com/events/education-and-training

- International Institute for Indigenous Resource Management
  303-733-0481
  iiirm@iiirm.org
  www.iiirm.org

- SWCA Environmental Consultants
  800-828-7991
  training@swca.com
  www.swca.com/index.php/training/course-catalog

37th NAEP Annual Conference – Portland, Oregon

The 2012 National Association of Environmental Professionals (NAEP) conference will take place May 21–24 in Portland, Oregon. The theme this year is *Science, Politics, and Policy: Environmental Nexus*. Topics to be covered include NEPA, energy, public participation, wetlands, visual resources, cultural resources, and land and watershed management. Sessions under the NEPA track include NEPA and climate change, alternatives, an update of NEPA case law and policy, effective use of categorical exclusions, implementation of third-party NEPA analyses, and transboundary impacts. In addition, Yardena Mansoor, Office of NEPA Policy and Compliance, will make a presentation on the recent DOE NEPA rulemaking.

As part of its annual conference, NAEP will host two concurrent full-day symposia discussing NEPA and decisionmaking and advanced topics in visual resource impact assessment. The advance program, track descriptions, and event registration are available at *www.naep.org/2012-conference.*

EAs and EISs Completed October 1 to December 31, 2011

EAs[1]

Argonne Site Office/Office of Science
DOE/EA-1866 (11/1/11)
Argonne National Laboratory Modernization Planning, Argonne, Illinois
Cost: $128,000
Time: 9 months

Bonneville Power Administration
DOE/EA-1679 (12/16/11)
Grand Coulee's Third Powerplant 500-kV Transmission Line Replacement Project, Grant and Okanogan Counties, Washington
[Co-lead: Department of the Interior's Bureau of Reclamation]
Cost: $115,000
Time: 29 months

DOE/EA-1894 (10/1/11, FONSI 11/4/11)
Albeni Falls Dam Flexible Winter Power Operations, Bonner County, Idaho
[Co-lead: U.S. Army Corps of Engineers]
EA was prepared by DOE staff, therefore, cost data are not applicable.
Time: 4 months

Carlsbad Field Office/ Office of Environmental Management
DOE/EA-1905 (11/4/11)
Double Eagle Water System, Carlsbad, New Mexico
DOE adopted this EA from Department of the Interior's Bureau of Land Management (BLM) and issued a finding of no significant impact on 11/4/11. [BLM, the lead agency, issued a finding of no significant impact on 9/30/11.]

Office of Energy Efficiency and Renewable Energy
DOE/EA-1774-S1 (11/8/11)
Energy Conservation Standards: Energy Conservation Standards for Direct Heating Equipment
Cost: $10,000
Time: 4 months

DOE/EA-1871** (7/13/11)
Final Rule, Energy Efficiency Standards for New Federal Commercial and High-Rise Multi-Family Residential Buildings and Energy Efficiency Standards for New Federal Residential Low-Rise Residential Buildings Baseline Standards Update
Cost: $5,000
Time: 5 months

DOE/EA-1881 (10/5/11, FONSI 10/20/11)
Energy Conservation Program: Energy Conservation Standards for Fluorescent Lamp Ballasts
Cost: $31,000
Time: 6 months

Golden Field Office/Office of Energy Efficiency and Renewable Energy
DOE/EA-1823* (12/2/11)
Rockford Solar Energy Project, Winnebago County, Illinois
Cost: $40,000
Time: 21 months

DOE/EA-1862* (11/10/11)
Oneida Seven Generations Corporation: Energy Recovery Project, Green Bay, Wisconsin
Cost: $155,000
Time: 11 months

DOE/EA-1907* (10/13/11)
Construction and Operation of a Proposed Biogas Anaerobic Digester Facility at an Ethanol Plant, Gove County, Kansas
DOE adopted this EA from U.S. Department of Agriculture (USDA) and issued a finding of no significant impact on 10/13/11. [USDA, the lead agency, issued a finding of no significant impact on 8/30/11.]

Idaho Operations Office/Office of Nuclear Energy
DOE/EA-1793 (12/21/11)
Replacement Capability for Disposal of Remote-Handled Low-Level Radioactive Waste Generated at the Department of Energy's Idaho Site, Idaho Falls, Idaho
Cost: $1,230,000
Time: 20 months

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[1] *EA and finding of no significant impact (FONSI) issuance dates are the same unless otherwise indicated.*
* *Recovery Act project*
** *Not previously reported in* LLQR

EAs and EISs Completed October 1 to December 31, 2011

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National Energy Technology Laboratory/ Office of Energy Efficiency and Renewable Energy
DOE/EA-1851* (12/19/11)
Delphi Automotive Systems, LLC Electric Drive Vehicle Battery and Component Manufacturing Initiative Application, Kokomo, Indiana
The cost for this EA was paid by the applicant; therefore, cost information does not apply to DOE.
Time: 12 months

National Energy Technology Laboratory/ Office of Fossil Energy
DOE/EA-1769 (10/28/11)
Battleground Energy Recovery Project, Harris County, Texas
Cost: $39,000
Time: 19 months

DOE/EA-1829* (11/9/11)
Phycal Algae Pilot Project, LLC, Wahiawa and Kalaeloa, Hawaii
Cost: $65,000
Time: 14 months

DOE/EA-1867 (10/13/11)
RTI International Scale-Up of High Temperature Syngas Cleanup and Carbon Capture and Sequestration Technologies, Polk County, Florida
Cost: $89,000
Time: 8 months

DOE/EA-1870 (12/23/11)
Utah Coal and Biomass Fueled Pilot Plant, Kanab, Utah
Cost: $137,000
Time: 10 months

Oak Ridge Operations Office/Office of Science
DOE/EA-1640 (10/5/11)
Transfer of Land and Facilities within the East Tennessee Technology Park and Surrounding Area, Oak Ridge, Tennessee
Cost: $159,000
Time: 36 months

Savannah River Operations Office/ Office of Environmental Management
DOE/EA-1606 (12/15/11)
Use of the Savannah River Site Lands for Military Training, Augusta, Georgia and Aiken, South Carolina
Cost: $83,000
Time: 50 months

Western Area Power Administration
DOE/EA-1665 (10/10/11)
Davis-Kingman Tap 69-kV Transmission Line Rebuild Project, Mohave County, Arizona
Cost: $316,000
Time: 31 months

DOE/EA-1697 (12/2/11)
Right-of-Way Maintenance in the San Joaquin Valley, California
Cost: $275,000
Time: 27 months

EISs

There were no EISs completed during this quarter.

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

NEPA Document Cost and Time Facts

EA Cost and Completion Times

- For this quarter, the median cost for the preparation of 15 EAs for which cost data were applicable was $115,000; the average cost was $191,000.
- Cumulatively, for the 12 months that ended December 31, 2011, the median cost for the preparation of 48 EAs for which cost data were applicable was $65,000; the average was $120,000.
- For this quarter, the median completion time of 17 EAs for which time data were applicable was 15 months; the average was 18 months.
- Cumulatively, for the 12 months that ended December 31, 2011, the median completion time for 67 EAs for which time data were applicable was 10 months; the average was 13 months.

EIS Cost and Completion Times

- There were no EISs completed this quarter.
- Cumulatively, for the 12 months that ended December 31, 2011, the median and average costs for the preparation of 5 EISs for which cost data were applicable were $2 million.
- Cumulatively, for the 12 months that ended December 31, 2011, the median completion time for 10 EISs for which time data were applicable was 20 months; the average was 23 months.

Recent EIS-Related Milestones December 1, 2011 to February 29, 2012

Notices of Intent

Office of Environmental Management/ Richland Operations Office
DOE/EIS-0467
Acquisition of a Natural Gas Pipeline and Natural Gas Utility Service at the Hanford Site, Richland, Washington
January 2012 (77 FR 3255, 1/23/12)

National Nuclear Security Administration
DOE/EIS-0475
Disposition of the Bannister Federal Complex, Kansas City, Missouri
January 2012 (77 FR 3259, 1/23/12)

Amended Notice of Intent

National Nuclear Security Administration
DOE/EIS-0283-S2
Surplus Plutonium Disposition Supplemental Environmental Impact Statement, Aiken, South Carolina
January 2012 (77 FR 1920, 1/12/12)

Notice of Cancellation

Office of Fossil Energy/National Energy Technology Laboratory
DOE/EIS-0445
Mountaineer Commercial Scale Carbon Capture and Storage Demonstration, Mason County, West Virginia
January 2012 (77 FR 3459, 1/24/12)

Extension of Public Comment Period

Western Area Power Administration
DOE/EIS-0440
Quartzsite Solar Energy Project, La Paz County, Arizona
December 2011 (76 FR 76972, 12/9/11)

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Recent EIS-Related Milestones December 1, 2011 to February 29, 2012

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Draft EIS

Bonneville Power Administration
DOE/EIS-0457
Albany-Eugene 115-kilovolt No. 1 Transmission Line Rebuild Project, Linn and Lane Counties, Oregon
January 2012 (77 FR 2979, 1/20/12)

Final EIS

Office of Loan Programs
DOE/EIS-0476
Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia
February 2012 (77 FR 9652, 2/17/12)
[DOE adopted a Final EIS and a Final Supplemental EIS from the U.S. Nuclear Regulatory Commission (NRC); NRC filed these EISs with EPA on 8/15/08 and 3/18/11.]

Records of Decision

Western Area Power Administration
DOE/EIS-0435
Modification of the Groton Generation Station Interconnection Agreement, Brown County, South Carolina
December 2011 (76 FR 75876, 12/5/11)

DOE/EIS-0439
Rice Solar Energy Project, Riverside County, California
December 2011 (76 FR 78916, 12/20/11)

Amended Record of Decision

National Nuclear Security Administration/ Los Alamos Site Office
DOE/EIS-0293
Conveyance and Transfer of Certain Land Tracts Administered by the U.S. Department of Energy and Located at Los Alamos National Laboratory, Los Alamos and Santa Fe Counties, New Mexico
January 2012 (77 FR 3257, 1/23/12)

Supplement Analyses

Bonneville Power Administration

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

DOE/EIS-0285-SA-454**
Vegetation Management along the Schultz-Raver No. 1, 500-kV Transmission Line Shared Corridor Right-of-Way, King and Kittitas Counties, Washington
(Decision: No further NEPA review required.)
November 2011

DOE/EIS-0285-SA-455
Vegetation Management Activities along the Entire Right-of-Way Corridors, Coos and Curry Counties, Oregon
(Decision: No further NEPA review required.)
December 2011

DOE/EIS-0285-SA-456
Vegetation Management along Portions of the Albeni Falls-Sandcreek No. 1 and the Sandcreek-Bonners Ferry No. 1 and No. 2 Transmission Line Right-of-Way, Bonner and Boundary Counties, Idaho
(Decision: No further NEPA review required.)
January 2012

DOE/EIS-0285-SA-457
Vegetation Management along the Paul-Satsop No. 1 Transmission Line Corridor, Thurston County, Oregon
(Decision: No further NEPA review required.)
January 2012

DOE/EIS-0285-SA-0458
Vegetation Management along Portions of the Bonneville PH 1-Alcoa 1 and 2 No. 2 115-kV Transmission Line Corridor Right-of-Way and Associated Access Roads, Clark and Skamania Counties, Washington
(Decision: No further NEPA review required.)
January 2012

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***Not previously reported in* LLQR

Recent EIS-Related Milestones
December 1, 2011 to February 29, 2012

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DOE/EIS-0285-SA-0459
Vegetation Management along the Santiam-Alvey No. 1 and No. 2 230-kV Transmission Line Shared Corridor Right-of-Way and Associated Access Roads, Linn and Lane Counties, Oregon
(Decision: No further NEPA review required.)
January 2012

DOE/EIS-0285-SA-0460
Vegetation Management along the 500-kV Echo Lake-Maple Valley Transmission Line and Shared Rights-of-Way Corridors, King County, Washington
(Decision: No further NEPA review required.)
February 2012

DOE/EIS-0285-SA-0461
Vegetation Management along the Olympia-Grand Coulee No. 1 287-kV Transmission Line Right-of-Way Corridor, King and Pierce Counties, Washington
(Decision: No further NEPA review required.)
February 2012

Office of Environmental Management/ Office of River Protection

Hanford Tank Closure and Waste Management
(DOE/EIS-0391)

DOE/EIS-0391-SA-01
Supplement Analysis of the Draft Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, Washington
(Decision: DOE determined that neither a new draft nor a supplemental EIS is required.)
February 2012

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

- *Site visits.* During scoping, the proposed affected areas were visited in order to better understand the proposed action and alternatives.
- *Use of annotated outlines.* Annotated outlines were used to assist with the scoping of the EA.
- *Use of previous EAs.* The review of previous EAs for similar projects assisted in determining a broader scope for the EA.
- *Tenant-provided scope of activities.* Having the tenant provide a detailed scope of proposed activities and identify preferred sites to be evaluated early in the NEPA process assisted in the development of the proposed plan and subsequent alternatives analysis.

What Didn't Work

- *External agency requirements*. The environmental requirements imposed by external agencies were very strict, affecting the scope of the EA. Adhering to the requirements adversely impacted the schedule due to the time it took for completion of external reviews.

Data Collection/Analysis

What Worked

- *Use of existing data.* The NEPA team relied heavily on a previously approved EA and related studies.
- *Subject matter experts.* The use of subject matter experts who were thoroughly familiar with the site greatly assisted in the preparation of the EA.
- *Federal agency and tenant provided data.* The tenant, whose activities were being evaluated in the EA, provided the Biological Assessment and Noise Analysis, which helped expedite document preparation. Additionally, input and data provided by other federal agencies aided the NEPA analysis.
- *Preparation of standard operating procedure.* DOE and the tenant, whose proposed activities were being evaluated in the EA, jointly prepared a standard operating procedure document that provided guidelines, procedures, and processes governing their use of the DOE site. It placed bounds on the tenant's activities that allowed an accurate assessment of potential environmental effects, including effects on the operations of other tenants.

What Didn't Work

- *Use of existing groundwater analysis.* The EA preparation team could not use an existing groundwater analysis performed for an EIS for the same location because that analysis was too conservative.

Schedule

Factors that Facilitated Timely Completion of Documents

- *Periodic meetings*. The NEPA team reviewed EA progress in periodic meetings, facilitating the timely completion of the document.
- *Compressed internal review schedule.* Compressed internal document review schedules, and a full day comment response meeting with all team members, were effective in eliminating additional review cycles and keeping the EA on schedule.
- *Management involvement.* The involvement of management, as well as a dedicated EA team, facilitated the timely completion of the EA.

Factors that Inhibited Timely Completion of Documents

- *Intense public interactions.* High levels of public interaction and comment required substantially more review and analysis, thereby increasing the time required to complete the EA.

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What Worked and Didn't Work

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- *Lack of funding*. The project was started and stopped over the course of 3 years largely due to the lack of funding, resulting in schedule changes and delays.
- *Litigation and public reaction.* Litigation, public reaction to current events such as a local wildfire and the Fukushima accident, and requests for additional public meetings and comment period extensions resulted in EIS schedule delays.
- *Timing of schedule changes.* Compressed schedules given to EA team members at the end of the year competed with vacation and use-or-lose time.
- *Wide range of complex issues.* The EA addressed a wide range of complex and sensitive issues, which required extensive coordination with multiple organizations and numerous reviews and revisions in order to develop a quality analysis of potential environmental impacts. The emphasis for this effort was placed on thoroughness and quality rather than timeliness.
- *Waiting for development of procedures.* Having to wait for the development and approval of a joint standard operating procedure with a tenant federal agency, whose activities were the subject of the EA, caused a major delay in the EA process.
- *Rushed reviews.* Technical content of the EA was good; however, editorial review of the appendices suffered in an effort to expedite publishing the document.
- *Late start.* The Supplement Analysis that, in part, led to the decision to prepare the Supplemental EIS was started too long after new seismic information was known, resulting in the EIS being on the critical path.

Teamwork

Factors that Facilitated Effective Teamwork

- *Effective review process*. The timely review of EA drafts, followed by effective comment resolution meetings among team members, enhanced teamwork.
- *Frequent communication*. Frequent communication and timely responses to questions and inquiries between DOE staff and contractors proved invaluable in completing the EA.
- *Dedicated team.* A dedicated DOE team made a big difference in facilitating the preparation of the EA.
- *Integrated team approach.* Use of an integrated project plan team approach and excellent communication had key players from DOE and affected and participating federal and state agencies working closely together throughout the EA development and review process.

Factors that Inhibited Effective Teamwork

- *Unique project and diverse perspectives.* The project was unique and had diverse partners with different perspectives working together for the first time, which required a lot of education on each perspective to foster an effective team.
- *Lack of timely feedback*. Despite providing funding to a cooperating agency, it was sometimes difficult getting timely feedback from the severely understaffed agency.
- *DOE staff changes*. Multiple planners and project managers were assigned over the long timeline of this EA, resulting in inefficiencies in the transfer of project knowledge and teamwork.
- *Multiple offices' involvement.* The involvement of multiple DOE offices required additional time and coordination, inhibiting effective DOE teamwork.
- *Lack of appropriate review.* The Management and Operating contractor did not review its NEPA subcontractor's work before the EA was submitted to DOE to ensure their input was accurately incorporated.

Process

Successful Aspects of the Public Participation Process

- *Public forum*. A community leaders round table was effective in communicating with the public and soliciting their participation.
- *Multiple public meetings*. Conducting scoping and multiple public meetings with town residents, tribal representatives, and other stakeholders proved to be very effective in assessing support and opposition for the project and in soliciting public involvement.
- *Working relationships and protocols*. Developing good working relationships with tribal staff, and following DOE tribal consultation protocols, proved to be critical to the successful interaction between DOE and tribal nations.

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What Worked and Didn't Work

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- *Public appreciation.* The majority of the public comments on the NEPA process were expressions of appreciation that DOE took the time to listen to public concerns and to consider their input.
- *Extended review period.* DOE extended the review period, which allowed the public to provide additional comments.
- *New alternative identified.* Response to public comments led to the identification of a new alternative that was a combination of two onsite alternatives.
- *Periodic updates.* Periodic updates to the Citizens Advisory Board were helpful throughout the EA process, although there was a lack of public interest and involvement during the public comment process.

Unsuccessful Aspects of the Public Participation Process

- *Excessive accommodations.* Political pressure resulted in DOE making excessive accommodations to requests for comment period extensions and additional hearings.

Usefulness

Agency Planning and Decisionmaking: What Worked

- *Stakeholder participation.* The NEPA process allowed all those interested in the management of the resources at the DOE site to be heard and to participate.
- *Sound and informed evaluation*. DOE used the EA process effectively in facilitating sound and informed evaluation of potential cumulative impacts from the project.
- *Public interactions*. The public participation portion of the EA process helped DOE's NEPA staff to accurately assess the degree of NEPA analysis required.
- *Sufficient scope*. The NEPA process resulted in an EA with a broad scope that will allow multiple activities to occur.
- *Basis for project approval.* The EA provided the basis, among other considerations, for the Site Manager's approval to proceed with the proposed project, and a finding of no significant impact.
- *Stakeholder involvement.* The primary stakeholder tenant was willing to provide detailed information throughout the EA process that was valuable in allaying other tenants' concerns. They also demonstrated flexibility in their proposed activities to avoid conflict with existing tenants.
- *Future modifications.* The information obtained during the EA process can help the proposed tenant modify its future activities, which will be beneficial to both the environment and the tenant.

Enhancement/Protection of the Environment

- *Expert input.* Experts voiced concerns and helped develop effective mitigation measures to protect the environment.
- *Mitigation measures identified.* Several mitigation measures were included in the finding of no significant impact that will reduce negative impacts and protect the environment.
- *Mitigation Action Plan prepared.* DOE prepared a Mitigation Action Plan that identified several measures designed to protect the environment.
- *Incorporation of operational controls.* Once DOE understood the impacts, operational controls were incorporated to reduce potential environmental impacts.
- *Procedures adopted.* By following the NEPA process, the tenant adopted numerous procedures to minimize or prevent adverse environmental impacts.
- *Best Management Practices.* As a result of the NEPA process, activities will be generally prohibited in streams, wetlands, and areas near endangered species or culturally sensitive resources. Activities to be conducted will also incorporate best management practices to protect water quality.

Other Issues

Guidance Needs Identified

- *Supplemental EIS guidance needed.* Guidance similar to the existing Supplement Analysis guidance is needed for preparation of Supplemental EISs.

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

- *Revised accident analysis guidance needed.* Revisions to the DOE NEPA guidance reflecting the nuclear safety requirements for DOE nuclear facilities are needed to address differences between the NEPA guidance and DOE regulatory approaches and assumptions.
- *DOE Order 413 alternatives analysis.* Some guidance would be helpful on how the DOE Order 413.3B, *Program and Project Management for the Acquisition of Capital Assets*, alternatives analysis correlates to the NEPA alternatives selection process and where those two activities fit within the project schedule.
- *Generating public interest.* Guidance on how to generate more public interest to ensure greater public participation during EA development, the public comment period, and at public meetings would be useful.

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 10 questionnaire responses were received for 9 EAs and 1 EIS, 9 out of 10 respondents rated the NEPA process as "effective." Four rated the process "5" and five rated the process "4." One respondent did not rate the NEPA process.

- A respondent who rated the process as "5" stated that the NEPA team's timely review of EA drafts, effective resolution of issues and comments, and active participation of subject matter experts were critical to the successful completion of the EA.
- A respondent who rated the process as "5" stated that both the scoping and public meetings allowed DOE staff to accurately assess the degree of NEPA analysis required for the project, resulting in the sufficient evaluation of appropriate resource areas.
- A respondent who rated the process as "5" stated that the NEPA process allowed for the utilization of DOE resources by multiple federal organizations and also addressed a critical training shortfall. Additionally, the EA demonstrated that multiple activities, some without defined site boundaries, can be adequately analyzed.
- A respondent who rated the process as "5" stated that the NEPA process was a useful tool to ensure that pertinent options were analyzed and appropriate actions considered, minimizing impacts to the environment.
- A respondent who rated the process as "4" stated that the NEPA process produced a thorough inventory of environmentally sensitive areas and resources, culturally sensitive areas, and contaminated/hazardous areas that must be avoided during proposed activities. The environmental analysis resulted in a standard operating procedure and map to form a foundation for planning similar activities at the site in the future.
- A respondent who rated the process as "4" stated that the NEPA process was successful in that DOE changed the selected action based on public comments.
- A respondent who rated the process as "4" stated that the NEPA process allowed for a close look at possible impacts of the project.
- A respondent who rated the process as "4" stated that the NEPA process was successful in that it examined the proposed actions in a context where the public is aware of them before action is taken.
- A respondent who rated the process as "4" stated that NEPA is a good tool for allowing interested parties to participate and reach consensus.