NEPA

National Environmental Policy Act

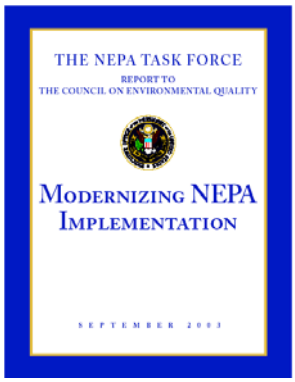
LESSONS LEARNED

U.S. DEPARTMENT OF ENERGY QUARTERLY REPORT

December 1, 2003; Issue No. 37 Fourth Quarter FY 2003

What's Next? CEQ Seeks More Input on Task Force Recommendations

NEPA practitioners, agencies, special interest groups, and the general public are reacting to recommendations intended to improve and modernize NEPA implementation presented in the *NEPA Task Force Report to the Council on Environmental Quality: Modernizing NEPA Implementation*, issued in September 2003. Through a series of meetings and regional roundtable discussions, CEQ is now seeking broad input on what should be done, how it should be done, and with what priority.



Noting that the Report was **to**, not **by** CEQ, Horst Greczmiel, CEQ Associate Director for NEPA Oversight and Task Force Director, said he will report back to CEQ Chairman James Connaughton, who will then announce what CEQ will do in response to the Task Force recommendations.

"Realistically, CEQ needs to focus . . . . What are the priorities? What's doable? What gives results?" Mr. Greczmiel said at a meeting of Federal agency NEPA Contacts in October. "Making NEPA better" will continue to be demanded of us, he said.

"We undertook this task recognizing the value that NEPA provides as well as the concern that the NEPA process was becoming no more than a process, losing its focus on helping Federal agencies make better-informed decisions," states the Task Force's transmittal memorandum to the CEQ Chair.

"The Task Force took its formidable task to heart, developing recommendations covering a broad spectrum

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What Have We Learned from *Lessons Learned*?

"DOE's NEPA lessons learned program is moving into its tenth year, and we're asking: What lessons have we learned, and how can we improve the lessons learned program itself?" said Eric Cohen, Office of NEPA Policy and Compliance.

The program's success depends on the active involvement of DOE's NEPA Community. Sharing ideas and being aware of issues raised by others are essential to the process of continuous improvement. One method for involvement is the lessons learned questionnaire completed by NEPA document team members. Each issue of *Lessons Learned Quarterly Report* (*LLQR*) closes with a collection of responses to this questionnaire: What Worked and Didn't Work in the NEPA Process. (See page 25.)

The NEPA Office is reviewing nearly 1,000 excerpts from questionnaire responses published in *LLQR* since December 1994 to better understand the strengths and weaknesses of the NEPA process as assessed by DOE's NEPA Community. "We begin in this issue with a discussion of scoping and data collection and analysis," Mr. Cohen explained. "We will continue this series in future issues of *LLQR*, covering other topics addressed by

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Inside *LESSONS LEARNED*

Welcome to the 37th quarterly report on lessons learned in the NEPA process. In this issue we are starting a multi-part examination of lessons learned from *Lessons Learned*. We invite your suggestions on how to improve the Lessons Learned program. Thank you for your continuing support.

Carol Borgstrom

Director
Office of NEPA Policy and Compliance

Be Part of Lessons Learned

We Welcome Your Contributions

We welcome suggestions, comments, and contributed drafts for the *Lessons Learned Quarterly Report.* We especially seek case studies illustrating successful NEPA practices. Draft articles for the next issue are requested by February 2, 2004. Contact Yardena Mansoor at yardena.mansoor@eh.doe.gov or 202-586-9326.

Quarterly Questionnaires Due February 2, 2004

Lessons Learned Questionnaires for NEPA documents completed during the first quarter of fiscal year 2004 (October 1 through December 31, 2003) should be submitted by February 2, but preferably as soon as possible after document completion. The Questionnaire is available interactively on the DOE NEPA Web site at *tis.eh.doe.gov/nepa* under Lessons Learned Quarterly Reports. For Questionnaire issues, contact Vivian Bowie at vivian.bowie@eh.doe.gov or 202-586-1771.

LLQR Online

Current and past issues of the *Lessons Learned Quarterly Report* are available on the DOE NEPA Web site at *tis.eh.doe.gov/nepa*. Also on the Web site is a cumulative index of the *Lessons Learned Quarterly Report*. The index is printed in the September issue each year.

Printed on recycled paper

BLM Preparing Wind Energy Programmatic EIS

Responding to the President's National Energy Policy recommendations that encourage the development of renewable energy resources (*www.whitehouse.gov/energy/*), the Department of the Interior, Bureau of Land Management (BLM) is establishing a national policy and program for future wind energy development on the western public lands (excluding Alaska) administered by BLM. Having determined that the program and policy constitute a major Federal action under NEPA, BLM recently published a notice of intent to prepare a programmatic EIS (68 FR 59814; October 17, 2003), that announced scoping meetings in five western states in November and invited comments through December 19, 2003.

BLM will develop a scenario to define the magnitude of reasonably foreseeable future development of wind energy resources and identify which land use plans might be amended – for example, by designating lands for competitive leasing or adopting stipulations such as wildlife management guidelines. Resource impact issues to be assessed include wildlife and habitat, proximity to military activities, visual environment, and proximity to wilderness or other special management areas.

BLM anticipates that the Wind Energy Development Programmatic EIS and Record of Decision will be completed in about 24 months. DOE's National Renewable Energy Laboratory is providing technical assistance to BLM, and Argonne National Laboratory is providing EIS preparation support. For further information, see *windeis.anl.gov* or contact Lee Otteni, BLM Farmington (NM) Field Office, at 505-599-8911.

CEQ Seeks More Input *(continued from page 1)*

of implementation issues that seek to improve, and reinvigorate, the NEPA process." The Task Force based its report on comments received in response to a *Federal Register* notice; interviews with governmental and nongovernmental organizations; and review of literature, reports, and case studies.

The Task Force made three general recommendations of a crosscutting nature for CEQ to implement immediately to make the NEPA process more effective and efficient and also to enhance action on specific priority Task Force recommendations. (See text box on Recommendations on page 4.)

NEPA Contacts identify priority recommendations that would most help their agencies' NEPA programs.

Federal NEPA Contacts React to Report

At October 28 and November 17, 2003, meetings with CEQ and Task Force representatives, Federal agency NEPA Contacts provided reactions to the recommendations by expressing support and concerns, and identifying priorities.

Carol Borgstrom, Director of the DOE Office of NEPA Policy and Compliance, commented that the recommendations were likely to support the Task Force goal of removing barriers to NEPA efficiency by strengthening the role of CEQ. Some agency NEPA Contacts noted that enhancing intergovernmental collaboration and public involvement are likely to produce meaningful reform and help resolve land use disputes, particularly in the western part of the U.S. Others expressed the need for "harmonizing" NEPA implementation across government, sharing tools such as categorical exclusion lists and guidance to take advantage of government-wide lessons learned, and focusing on continued implementation of e-government approaches to promote public involvement and continued gains in efficiency.

In general, the NEPA Contacts commented favorably on the recommendations. They support the development of additional CEQ guidance rather than new prescriptive, regulatory approaches to NEPA implementation. Some Contacts expressed particular concerns regarding adaptive management – that it raises the possibility of an unending NEPA process and extensive legal liabilities, or that their agencies lack guidance and procedures for implementing this approach. Other Contacts mentioned the need to acknowledge that some Federal agencies, such as licensing agencies, have fundamentally different roles and approaches to their respective NEPA processes.

Next Steps: More CEQ Regional Roundtables

The Chair's initial reaction to the Report, explained Mr. Greczmiel, was that it represents a very good job, but it is seen as the work product of the agencies and therefore CEQ wants to provide the tribes, states, local governments, nongovernmental organizations, business and industry, and the public with another opportunity to present their views. CEQ is now considering the Task Force Report and its recommendations, with the benefit of additional expert and public review.

To ensure that broader perspective, CEQ is hosting a series of regional roundtable meetings to hear from stakeholders on which recommendations should be implemented, how they should be implemented, and in what priority. Roundtables were held on October 30 and 31, 2003, near Olympia, Washington, and on November 13 and 14, near Philadelphia. Two future roundtable meetings, planned for Memphis on December 11 and 12, 2003, and near Dillon, Colorado, on January 8 and 9, 2004, will be announced in the *Federal Register*.

For further information, see the NEPA Task Force Web site at *ceq.eh.doe.gov/ntf* or contact Horst Greczmiel at 202-395-5750. *LLQR* will report on the outcome of the roundtable meetings and on CEQ reaction to and implementation of recommendations in future issues. LL

Task Force Report Commends DOE NEPA Web, Lessons Learned Program

"...the Department of Energy has developed requirements and procedures for posting its EISs and EAs on the DOE NEPA Web site (http://tis.eh.doe.gov/nepa/). In addition, DOE systematically tracks NEPA process costs and performance metrics, conducts analyses, and presents the results in quarterly Lessons Learned reports, which are made publicly available on the DOE NEPA Web site. The NEPA community could benefit from sharing the experiential knowledge gained from developing electronic NEPA information distribution standards and tracking mechanisms and would likely realize cost savings by reducing redundant development costs."

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NEPA Task Force Recommendations to CEQ

The summary recommendations of the NEPA Task Force Report (pages 87-89) are reprinted here.

Conclusion

The recommendations were crafted by individual task force teams and adopted by the entire task force. The recommendations are presented in the various chapters. The text of this report fully describes the recommendations, providing both context and additional task force insight on their implementation.

Three General Recommendations

The task force concluded that there are three general crosscutting recommendations for CEQ action that will facilitate efforts to make the NEPA process more effective and efficient. We believe that implementation of these general recommendations would also enhance action on specific task force recommendations, and therefore, they should be implemented as soon as possible.

The task force recommends that CEQ:

1. Establish an additional professional position, or positions, to provide technical NEPA process consultation and better coordinate advice and guidance to agencies about improving NEPA implementation and environmental analysis.
2. Conduct annual NEPA Legal Forums to discuss important NEPA legal developments; recommend and discuss any CEQ guidance that might need to be clarified as a result of this case law; discuss NEPA issues of high interest to the NEPA community; and facilitate consensus on addressing legal issues whenever possible.
3. Develop a CEQ handbook that provides existing guidance identified by topic areas and is supplemented as new guidance is issued. The guidebook should be published on the Web, with updates published periodically in hardcopy.

Priority Recommendations

Recognizing that priorities must be set and understanding that action on the remaining recommendations should also be taken, the task force recommends that CEQ initially focus on the following five recommendations regarding categorical exclusions, environmental assessments, federal and interagency collaboration, programmatic analyses and tiering, and adaptive management and monitoring.

1. Categorical Exclusions

   The task force recommends that CEQ issue guidance to clarify and promote consistent practices for the development, documentation, public review, approval, and use of categorical exclusions by Federal agencies.

2. Environmental Assessments

   The task force recommends that CEQ issue guidance to:

   - Recognize the broad range in size of EAs;
   - Clarify that the size of environmental assessments should be commensurate with the magnitude and complexity of environmental issues, public concerns, and project scope;
   - Describe the minimum requirements for short environmental assessments; and
   - Clarify the requirements for public involvement, alternatives, and mitigation for actions that warrant longer environmental assessments including those with mitigated findings of no significant impact.

   In the near term, CEQ should issue a clarifying memo reiterating the minimum statutory and regulatory requirements for EAs when a short EA is warranted.

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Task Force Recommendations

continued from previous page

3. Federal and Interagency Collaboration

   The task force recommends that CEQ form a Federal Advisory Committee to provide advice to CEQ on:

   - Identifying, developing, and sharing methods of engaging Federal, State, local, and tribal partners in training designed to educate them about the principles of NEPA, agencies' missions, and collaboration skills.
   - Developing guidance addressing the components of successful collaborative agreements and providing templates applicable to various situations and stages of the NEPA process.
   - Developing training for the public on NEPA requirements and effective public involvement.
   - Developing a "Citizen's Guide to NEPA."

4. Programmatic Analyses and Tiering

   The task force recommends that CEQ convene a Federal Advisory Committee to provide advice to CEQ on the different uses of programmatic analyses, tiering, and associated documentation; and, where necessary, provide advice on guidance or regulatory change to clearly define the uses and appropriate scope, range of issues, depth of analyses, and the level of description required in NEPA documentation.

5. Adaptive Management and Monitoring

   The task force recommends that CEQ convene an adaptive management work group to assess the applicability of NEPA guidance and regulations related to adaptive management and to consider integrating the NEPA process with environmental management systems. The proposed work group should prepare the appropriate adaptive management guidance or regulatory changes. Further, we recommend that the work group initiate a pilot study to identify, implement, and document representative actions using an adaptive management approach during the NEPA process and work collaboratively with CEQ to identify aspects of the analyses and documentation requiring CEQ guidance or regulatory action.

The Role of Technology

CEQ can also facilitate and enhance NEPA improvement by acting on the recommendations in the Technology and Information Management and Security chapter. Agencies will continue, with or without CEQ, to develop information technologies and systems and improve information management to improve their NEPA processes.

DOE Submits Cooperating Agency Report

DOE responded in early November to the Council on Environmental Quality's (CEQ) request for Federal agencies to report biannually on cooperating agency activities in NEPA reviews. This third report covers DOE EISs and EAs initiated between March 1 and August 31, 2003. In that period, DOE started 7 EIS, including 4 with cooperating agencies, and 10 EAs, including 2 with cooperating agencies. The report also updates project milestones and changes in cooperating agency status of EISs and EAs covered in the previous two biannual reports.

DOE NEPA document preparation teams are encouraged to consider potential cooperating agencies in their NEPA process and to consult with their NEPA Compliance Officer if questions arise on this subject. The benefits of cooperating agency participation in NEPA reviews and CEQ's initiatives to promote cooperating agency relationships are described in *LLQR*, March 2002, page 1. For information on cooperating agency reporting, contact Yardena Mansoor at yardena.mansoor@eh.doe.gov or 202-586-9326.

Measures Identified in EA Process Protect Wetland

By: Donna Green, *NEPA Document Manager, Chicago Operations Office*

In planning new construction, DOE's Chicago Operations Office (CH) incorporated measures identified in an environmental assessment (EA) process to protect a recently restored wetland. The EA for Enhanced Operations of the Advanced Photon Source at Argonne National Laboratory – East (DOE/EA-1455, June 2003) evaluated the impacts of constructing and operating a Center for Nanoscale Materials, a proposed new experimental facility that had potential for impacting the watershed of a nearby wetland.

The Advanced Photon Source is a national synchrotron-radiation light source research facility funded by DOE's Office of Science. The restored wetland is the light area on the right edge of the photo (arrow), near the forested area and close to the site of the proposed new facility and an associated parking lot. The wetland is contiguous with diverse wooded and prairie areas and forms one of the largest expanses of high-quality habitat at the Argonne site.

As analyzed in an earlier EA, *Proposed Wetlands Management on the Argonne National Laboratory – East Site* (DOE/EA-1387, September 2001), DOE recently restored the wetland by removing invasive and nonnative species, conducting prescribed burns, reducing pesticide use in the watershed, and disabling a drainage tile network that had been installed at least 50 years earlier to allow farming. The measures aimed to increase biodiversity in the wetland, improve surface water and groundwater quality within its watershed, and increase total wetland area from 3 to 9 acres. The enlarged wetland will serve as a compensatory wetland bank to mitigate future actions that could result in wetland loss. The Laboratory has not yet conducted vegetation monitoring to gauge the success of the restoration effort, but has recently identified breeding populations of American toads, and chorus and green frogs.

The June 2003 EA considered potential impacts on the wetland due to stormwater runoff from the building and parking lot to be located within the wetland watershed. (Alternate parking lot locations outside the watershed were considered but did not meet project needs.) Because the action was not located **in** a wetland, a wetland assessment under the DOE regulations (10 CFR Part 1022) was not required. However, there would be impacts to the wetland from stormwater surges due to the increased impervious areas and surface runoff of pollutants, especially chloride from winter salting, petroleum residues, and sediments.

The conceptual design that was developed for the new facility and its parking lot included features to minimize impacts to the wetland:

- A basin to collect rain or snow runoff from the parking lot and pump it away from the wetland through a grassy swale planted with deep-rooted native grasses.
- An oil and grease filter to remove petroleum residues from parking lot overflow water.
- Another basin, planted with deep-rooted native plants, to collect roof runoff from the new building and slowly release it through a flow restrictor into a culvert leading to the wetland. This would minimize stormwater surges into the wetland.

CH received valuable informal advice from the local DuPage County environmental regulatory agency and the U.S. Army Corps of Engineers Chicago District Office in preparing the EA. The County agency reviewed and confirmed CH's hydrological analysis. The Corps advised CH on stormwater control design features to protect the wetland. This consultation was informal because a Clean Water Act Section 404 permit was not required.

For additional information, contact Donna Green at donna.green@ch.doe.gov or 630-252-2264.

This wetland, adjacent to the Advanced Photon Source (background), was restored in less than two years by disabling a drainage tile network.

EIS to Re-review Transmission Lines

DOE recently initiated an EIS for Presidential permits it has already approved for international transmission lines that are constructed and operating (68 FR 61796; October 30, 2003). This uncommon NEPA strategy responds to court decisions in May and July 2003 that identified inadequacies in the analysis of impacts and the public participation process associated with a December 2001 EA and finding of no significant impact (FONSI) prepared by DOE and its cooperating agency, the Bureau of Land Management (BLM). (See *LLQR*, September 2003, page 22, and earlier *LLQR* articles referenced therein for a summary both of the projects by Baja California Power, Inc., and Sempra Energy Resources and of Orders by the United States District Court for the Southern District of California.)

The court directed further NEPA review but remanded the question of whether to prepare a supplemental EA or an EIS to DOE and BLM. In light of the concerns raised by the court, and in order to increase opportunities for public participation, the agencies opted to prepare an EIS.

EIS to Analyze "Clean Slate"

Although the transmission lines are in service, DOE will prepare the EIS as if the transmission lines did not exist. In its July 2003 order, the court stated that it "**PROHIBITS** the federal defendants from considering the interim operation of the transmission lines, the completion of the construction, or this Court's equitable analysis of the environmental impacts of the proposed actions as part of the NEPA analysis and determination process on remand." (Emphasis in original.)

Accordingly, DOE and BLM will base their analysis on the same purpose and need as used for the EA: whether to grant or deny Presidential permits (DOE) and rights-of-way (BLM). DOE and BLM have proposed the following preliminary alternatives:

- No Action Alternative: Deny both permits and corresponding rights-of-way applications – environmental impacts in the U.S. as if the lines had never been constructed.
- Grant one or both permits and corresponding rights-of-way – impacts in the U.S. of constructing and operating the lines from Mexican powerplants, as those plants are presently designed (DOE and BLM preferred alternative).
- Alternative technologies: Grant one or both permits and corresponding rights-of-way to authorize transmission lines that connect to powerplants that employ more efficient emissions controls and alternative cooling technologies, such as "dry cooling" or a combination of wet and dry cooling that will minimize environmental and health impacts in the U.S.
- Mitigation measures: Grant one or both permits and corresponding rights-of-way to authorize transmission lines whose developers employ off-site mitigation measures to minimize environmental impacts in the U.S. (e.g., offsets, such as paving roads and retiring older automobiles).

Scoping Meetings Emphasize Air, Water Issues

Public scoping meetings were held in El Centro and Calexico, California, on November 20, 2003. About 10 stakeholders spoke at each – including area residents (U.S. and Mexico), a representative of the plaintiff, and elected officials and other representatives, including those from the cities, county, irrigation district, farm bureau, state government, and an environmental task force. Comments supported the agencies' preparation of an EIS and expressed concerns over air, water, and cumulative impacts issues. Several comments focused on the high incidence of asthma among local residents. Some commentors spoke in favor of the alternative technologies and mitigation measures.

Electric transmission lines extend north from Mexico across the international border (which is the berm across the center of photo). Inside the U.S., the lines are constructed on BLM land.

Aggressive EIS Schedule Underway

The court deferred until July 1, 2004, the setting aside of the Presidential permits and the FONSI, and ordered DOE and BLM to seek a hearing date on or before May 15, 2004, to brief these issues. The scoping period ends December 1, 2003. DOE and BLM intend to issue a draft EIS by early 2004, and a final EIS before May 15, 2004, so that it is available for the court's review.

For further information, contact Ellen Russell, NEPA Document Manager, at ellen.russell@hq.doe.gov or 202-586-9624. The Presidential permit applications, EA, FONSI, and other materials are available on Fossil Energy's Web site at *www.fe.doe.gov* under Electricity Regulation, then Pending Proceedings. LL

DOE NEPA Web Site Turns 10!

By: Lee Jessee, *Office of NEPA Policy and Compliance*

DOE was a pioneer when it launched its NEPA Web site in 1993. There were only 36 Federal Internet sites at the time, and the DOE NEPA Web site was the only one focused on providing public access to environmental information.

In the Beginning

Congress passed NEPA in 1969, and that same year researchers assembled the first computer "internetwork" – a network of networks. Nearly 25 years later, DOE's NEPA program was well established, and the World Wide Web was in its infancy.

My dream was to apply the concept of internetworking – a common information space in which we could share information – to environmental impact assessment. My vision was to use computers to incorporate scientific data and analysis with public dialogue on environmental values, and to focus knowledge where there was a decisionmaking need.

Little information was available via the Internet in 1993, and there were few ways to find any of it. Web browser technology was in limited use. Few people had any form of Internet connection, and the connections available were slow by today's standards. But there was a push within the Federal government to use the emerging information technology, and DOE glimpsed the opportunities that it would provide.

DOE had begun digitizing environmental information, including NEPA documents, as part of an effort to share baseline facility information. The collection was driven by a powerful library search engine that allowed queries by keyword and via a graphical user interface. (Icons of DOE facilities on maps allowed users to click from general to detailed information.) DOE digitized Executive Orders relevant to CEQ and CEQ's own regulations and guidance in 1992. The next year, DOE's NEPA Web site was born – the first Web site to demonstrate that information technologies could be used to further the purposes of NEPA. My dream was realized as agencies and the public were introduced to new ways to share knowledge and collaborate in the conduct of environmental impact assessment.

A Model Web Site for CEQ's NEPAnet

"Throughout the first twenty-five years of NEPA's existence, numerous environmental analyses on federal, tribal, state and local government projects were performed. However, valuable data contained in these analyses were not stored in a retrievable manner," wrote CEQ Chair George Frampton, Jr., in 1999 to Dr. David Michaels, Assistant Secretary for Environment, Safety and Health (EH). "In 1993, CEQ became aware of [DOE's] efforts… to use World Wide Web technology as part of the NEPA education process…." CEQ began to work with the EH Office of Information Management "to promote a NEPA Web presence that would encourage synergy among environmental disciplines needed to integrate the contents of environmental analyses over time and geography," according to Mr. Frampton.

The DOE NEPA Web site formed the backbone of this national network of environmental impact assessment information, called NEPAnet. CEQ drew heavily on DOE technical expertise as it began an outreach program to extend and enhance its NEPAnet.

In 1995, then CEQ Chair Kathleen McGinty presented NEPAnet at the DOE Conference Commemorating the 25th Anniversary of NEPA. She commended DOE for advancing its use of Internet technologies to increase citizen involvement and interagency cooperation in the NEPA process.

A National and International Model

DOE was invited to demonstrate the DOE NEPA Web site and NEPAnet at the first public National Information Infrastructure Task Force Committee meeting in 1995. These Web sites were showcased as Federal pilot projects, demonstrating the benefits of both national and global infrastructures for electronic commerce and environmental monitoring.

The accolades did not induce DOE to rest on its laurels. DOE continued to add documents to its NEPA Web site and improve its search capability and overall usability.

The site first drew international attention in 1996. Scientists from Japan traveled to DOE to conduct process analysis to aid their design of an information system to support Japan's crafting of a NEPA-like statute. Later that year, the Canadian Environmental Assessment Agency also met with DOE to use the NEPA Web site as a benchmark for the Canadian environmental impact

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assessment network. By 1997, the Web site had been demonstrated at the International Association for Impact Assessment. That same year, the DOE NEPA Web site was awarded top ratings from *Federal Imaging* and *FEDNET*.

The Web site frequently has served as a model for other Federal agencies for purposes other than agency-specific NEPA Web site development. For example, the Air Force consulted DOE on use of information technologies for socioeconomic impact analyses and environmental baseline surveys for base closures. Most recently, the CEQ NEPA Task Force cited the DOE NEPA Web site as a good example for tracking NEPA process costs and performance metrics (related article on page 1 and text box on page 3).

Users' Needs Shape the Site

User feedback over the years, enhancements in information technologies, and careful site maintenance and modernization have helped keep the DOE NEPA Web site on the leading edge in providing NEPA information. The most important reason for the Web site's success, though, is that the DOE NEPA community uses it as a cost-saving information resource, and NEPA Compliance Officers take their responsibility to provide timely, high-quality information for Web-publishing seriously. The site now receives about 7,000 "hits" per day – a testament to its utility.

Lee Jessee, the DOE NEPA Web site creator and webmaster from 1993-2000, is currently the webmaster of CEQ's NEPAnet and the NEPA Task Force websites. She can be reached at lee.jessee@eh.doe.gov or 202-586-7600.

LLQR Online Features Hyperlinks, Color

Starting with this issue, *LLQR* posted online at *tis.eh.doe.gov/nepa/lessons.html* now features active hyperlinks to Web pages, documents, and e-mail addresses cited in the articles. Just click on the hyperlinks, indicated with underlining, to launch the related resources. *LLQR* online also has color pictures. We invite you to propose further improvements by e-mail to yardena.mansoor@eh.doe.gov.

Address Change for Sending Electronic Files for Web Site

DOE's Office of Information Management has a new organization code: EH-33. Please use it when transmitting NEPA documents for posting on DOE's NEPA Web site:

ES&H Info Center
Attn: Rhonda Toms
EH-33 270CC
1000 Independence Avenue, S.W.
Washington, DC 20585-0270

What Have We Learned?

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questionnaire responses and concluding with thoughts on what the responses suggest for how to improve the NEPA lessons learned program and DOE's implementation of NEPA."

This review supplements previous undertakings in which the NEPA Office has examined questionnaire responses principally to identify factors relevant to cost and schedule performance. Findings from these earlier reviews have been shared at NEPA Community Meetings and published in *LLQR* (see e.g., *LLQR*, September 2003, page 4). The current review of responses to the lessons learned questionnaire is broader in scope.

How We Reviewed the Questionnaire Responses

NEPA Compliance Officers and NEPA Document Managers report lessons learned to the NEPA Office after completing each EIS or environmental assessment (EA), in accordance with DOE Order 451.1B. Reporting is through a lessons learned questionnaire (available on the DOE NEPA Web site at *tis.eh.doe.gov/nepa* under Lessons Learned Quarterly Reports). The NEPA Office encourages all members of the NEPA document preparation team (including contractors, reviewers, and project managers) to complete the questionnaire as well.

The NEPA Office reviews the questionnaire responses and selects statements that indicate what worked or did not work. These are published in *LLQR* as anonymous comments on DOE's NEPA implementation under one of eight categories: scoping, data collection/analysis, schedule, teamwork, process, usefulness, enhancement/protection of the environment, and other issues.

For this series of articles, the NEPA Office sorted the responses from all back issues of *LLQR* and reviewed them for common themes and trends. This is a qualitative review consistent with the nature of the questionnaire.

Success Begins with Scoping

The majority of respondents who addressed scoping pointed to successful practices, and many identified successful scoping as a contributor to the timely completion of comprehensive NEPA documents. These responses make clear that participation of people inside and outside DOE is key for both EAs and EISs.

Early involvement by affected and knowledgeable entities within DOE through internal scoping contributed to a "better understanding of the proposed project and a better document," according to one respondent. Others said that effective internal scoping "enabled preparation of concise documents" and helped "identify all reasonable alternatives and issues to be addressed."

For some NEPA documents, DOE identified an additional alternative or optional way to design an alternative through internal scoping. Some respondents said that internal scoping helped define issues early and thus facilitated information needs and allowed the document preparation team to "focus on the actual analyses."

Respondents attributed similar benefits to including external parties in the scoping process, even for EAs. These parties varied with the nature of the proposed action and included agencies from all levels of government, organizations with particular technical expertise (e.g., committees of the National Research Council), and the general public. Additionally, respondents said that external scoping was improved by using existing public participation programs. In one case, the respondent commended the existing program for contributing to knowledge among the interested public that led to focused scoping comments.

We are most interested in what factors the NEPA Community consistently identified as contributing to the successful implementation of NEPA and whether there are any recurrent problems that should be addressed.

Respondents highlighted particular mechanisms that facilitated public input to the scoping process. These included providing a toll-free number for calls or faxed comments and accepting comments via a Web site and e-mail.

When scoping did not work well, respondents indicated the opposite of those factors that in other circumstances contributed to success. A lack of staff involvement sometimes inhibited effective internal scoping. Respondents noted that delays in completing the NEPA process resulting from management direction to consider additional alternatives could have been avoided by management involvement in the internal scoping process.

The experiences conveyed by questionnaire respondents are consistent with the direction and objectives contained in existing NEPA requirements and guidance. Internal scoping was formalized at DOE through the Secretarial Policy Statement on NEPA in 1994 and DOE Order 451.1B, National Environmental Policy Act Compliance Program. Clearly framing the scope of the NEPA document early helps to focus on the most relevant information, as recommended by DOE guidance. External scoping guidance is provided in *Effective Public Participation under the National Environmental Policy Act,* August 1998, at *tis.eh.doe.gov/nepa* under Guidance.

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What Have We Learned?

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Data and Collection Analysis

Once the scope is defined, the NEPA process moves forward to delve into the issues and collect and analyze relevant information. Questionnaire respondents identified several factors that contribute to success in data collection and analysis.

A "comprehensive first data call" reduced data collection needs later in the NEPA process. In addition to identifying data needs early, respondents reported that it is sometimes good practice to coordinate data collection with affected groups. Another good practice is to collect data in a manner that minimizes impacts on the environment. For example, there might be less impact by collecting data outside a mating season or when environmental conditions are least susceptible to disruption.

Good communication and coordination are important, many said. Open and direct communication can avoid miscommunication and reduce the time needed for data collection, respondents said. When data must be gathered from many sources or on several topics, respondents applauded the role of a single coordinator to facilitate information sharing.

Respondents favored using existing sources of information, such as data from applicants, other agencies, existing NEPA documents, technical reports, or environmental baseline studies. Also, they pointed to the value of the NEPA team visiting the place being evaluated so that everyone could "see exactly what would happen" as well as where it would happen.

A poorly defined scope for the review may inhibit efficient data collection and analysis, as can changes in scope during preparation of some NEPA documents.

Respondents also highlighted the benefit of engaging well qualified staff and, conversely, noted cases where the lack of expertise on the part of DOE or its contractors inhibited effective data collection and analysis. Other factors that can inhibit efficient data collection and analysis are inconsistencies in data acquired from multiple sources and inconsistent methodologies for analyzing data. These inconsistencies have arisen among DOE sites as well as between DOE and external agencies. In several cases involving data calls among multiple DOE sites, the NEPA document manager addressed this concern by developing detailed data specifications. Yet another inhibiting factor can be a change in scope or changes in data itself while the NEPA review is underway.

The NEPA Office has prepared guidance that addresses data collection and analysis. One such document is *Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements* (May 1993), particularly the discussion of the sliding-scale principle. As questionnaire respondents pointed out, the ability to focus data collection and analysis is important to completing the work efficiently and in a manner that meets the needs of decisionmakers. The sliding-scale principle encourages prioritization of data collection and analysis efforts. It is as important to know what information is a priority for inclusion in a NEPA document as it is to know what can be addressed with less effort or left out entirely. Also, the compilation of *Mini-Guidance Articles from Lessons Learned Quarterly Reports* contains several articles related to the analysis of environmental impacts. Both documents are available on the DOE NEPA Web site at *tis.eh.doe.gov/nepa* under Guidance.

Lessons about Lessons Learned

"The questionnaire responses indicate that overall the NEPA process is working at DOE. The commonly identified problems reflect the need sometimes to better emphasize the basics – involve the right set of people early, clearly define the scope and range of reasonable alternatives, work as a team, adapt efficiently to changing circumstances," Mr. Cohen said.

"We need to do a better job sharing these lessons learned with the DOE NEPA Community, especially as DOE and contractor staffs change. How can we get the message out? And how can we more fully engage the NEPA Community to share their lessons learned? We've seen fewer members of a NEPA document team submitting lessons learned questionnaires in recent years. Too often only the NEPA Document Manager fills out a questionnaire and, in some cases, only after being reminded of the requirement to do so," according to Mr. Cohen. "That's a trend we'd like to reverse."

To enhance its review of lessons learned questionnaire responses, the NEPA Office requests feedback from DOE's NEPA Community. "What have you learned through the lessons learned program?" asked Mr. Cohen. "Are we asking the right questions? How can we improve the NEPA lessons learned program?"

Please send your suggestions, comments, and questions about the lessons learned program, including the questionnaire, to Vivian Bowie at vivian.bowie@eh.doe.gov or 202-586-1771.

Coming Next: Lessons Learned about Schedule and Teamwork

DOE Actions Promote NEPA 101 Goals

In implementing NEPA, agencies often focus on Section 102, the procedural provisions of the Act, rather than Section 101, the Act's substantive environmental protection goals. The Office of NEPA Policy and Compliance discovered that "actions speak louder than words," however, when it solicited input for the DOE response to a recent survey from the U.S. Institute for Environmental Conflict Resolution. Although DOE does not always reference Section 101 as the driver for its actions, DOE does, in fact, promote and meet the goals of Section 101 in its NEPA process and other activities.

Section 101 may be viewed as the "philosophy" to be used in developing alternatives to a proposed action – to see if there is a better way of meeting a need. – NEPA Compliance Officer comment

DOE NEPA Compliance Officers contributed to the response by providing the NEPA Office many examples of program initiatives and site activities that result in positive environmental outcomes from a robust NEPA process. The survey response cited such policies and actions, including pollution prevention activities, habitat enhancement and protection, recycling and reuse of materials, and a renewable energy program. The response also discussed use of an Environmental Management System as an approach for following up NEPA's predictive analysis and, if appropriate, adapting project implementation or associated mitigation actions.

LLQR Features DOE's Best NEPA Practices

Many of the examples cited in DOE's response to the Institute have been examined in *LLQR* articles, which were enclosed with the response. (All articles referenced below are available on the DOE NEPA Web site at *tis.eh.doe.gov/nepa* under Lessons Learned Quarterly Reports.)

- Bonneville Power Administration: An EIS process created the framework for building consensus on a needed electricity transmission line while protecting a watershed. (September 2003, page 16)
- Los Alamos National Laboratory: An accident analysis for an extensive wildfire, prepared for a site-wide EIS, prompted the site to immediately undertake certain mitigation actions, which only months later reduced the impacts of just such a fire. (June 2000, page 1)
- Hanford (Washington) Reservation: An EIS for a 50-year land use plan will guide the protection of varied environmental resources, including a wild and scenic river, a shrub-steppe habitat, tribal and historical cultural resources, and chalk bluffs above the Columbia River. (March 2000, page 1)
- Los Alamos National Laboratory: The EIS for the Dual Axis Radiographic Hydrodynamic Test Facility led DOE to develop a site-wide habitat management plan for threatened and endangered species that also led to more efficient NEPA compliance at the site. (June 1999, page 1)
- Naval Petroleum Reserve: An EIS for sale of the site led to protection of an endangered species and cultural resources. (December 1997, page 1)

The Institute is reviewing the 16 substantive agency responses submitted and plans to issue a public report this winter. For a copy of the DOE response, contact Yardena Mansoor at yardena.mansoor@eh.doe.gov or 202-586-9326. For more information on the U.S. Institute for Environmental Conflict Resolution, see *www.ecr.gov*. LL

Section 101 Goals Address:

- Trusteeship of the environment for future generations
- Safe, healthful, productive, and aesthetically and culturally pleasing surroundings
- Using the environment without degradation, risk, or undesirable and unintended consequences
- Preservation of historic, cultural, and natural aspects of national heritage, diversity, and individual choice
- Balancing population and resource use for high standards of living and sharing of amenities
- Enhancing renewable resources and recycling depletable resources

Preserve America E.O. Addresses Historic Heritage

A new Executive Order requires an inventory of Federal historic properties and encourages both protection and use of such properties.

Executive Order 13287 (68 FR 10635; March 3, 2003), *Preserve America*, declares a policy of actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the Federal Government. This policy also directs agencies, where appropriate, to seek partnerships with State and local governments, tribes, and the private sector to promote local economic development through the long-term preservation and current productive use of such historic properties.

To promote these goals, the Executive Order directs agencies with real property management responsibilities to prepare an inventory of historic properties, including their condition, management needs, and suitability for contributing to community economic development initiatives, including heritage tourism. This report is due to the Chairman of the Advisory Council on Historic Preservation (ACHP) and the Secretary of the Interior by September 30, 2004. The ACHP has published guidelines for the preparation of this report (achp.gov/preserveamerica.html).

The new Executive Order echoes NEPA's goal to "preserve historic, cultural, and natural aspects of national heritage" (Section 101(b)(6)). DOE's NEPA implementation practice acknowledges this goal by addressing impacts to historic and cultural resources in EISs and EAs, and requiring that a categorically excluded action not have potential for adverse impacts to "property (e.g., sites, buildings, structures, objects) of historic, archeological, or architectural significance designated by Federal, state, or local governments or property eligible for listing on the National Register of Historic Places" (10 CFR 1021, Appendix B to Subpart D, B(4)(i)). DOE's NEPA practice of respecting historic properties as a sensitive environmental resource would not change in response to the *Preserve America* Executive Order.

The protection of historic properties is also a component of the DOE's Cultural Resource Management Program. "Environmental Guidelines for Development of Cultural Resources Management Plans" (DOE/EH-0501) is being revised and will include specific language addressing the new Executive Order requirements.

Dr. Skip Gosling, the Department's Federal Preservation Officer and Chief Historian, is responsible for DOE's compliance with the Executive Order. He may be reached at skip.gosling@hq.doe.gov or 202-586-5241. For information on DOE's responsibilities under the National Historic Preservation Act, contact Lois Thompson, Office of Air, Water and Radiation Protection, at lois.thompson@eh.doe.gov or 202-586-9581.

Agencies Meet on Protection of Indian Sacred Sites

DOE participated in the recent "2nd Informational Meeting for Federal Agencies with Functions Regarding Native American Sacred Places and Traditional Cultural Properties," sponsored by an interagency task force. About 25 agency and tribal representatives convened in Washington, D.C., on September 22, 2003, including specialists on historic preservation, cultural resources, environmental justice, and NEPA.

Recommendations for improving NEPA implementation as it applies to the protection of Indian sacred sites were described by Horst Greczmiel, Council on Environmental Quality Associate Director for NEPA Oversight, in his discussion of the Task Force Report, *Modernizing NEPA Implementation* (related article, page 1). He highlighted the report's recommendations on improving collaboration with tribal partners, developing training tools for tribes, and maintaining confidentiality of information on Indian sacred sites.

The Advisory Council for Historic Preservation (ACHP) is developing a database pilot project ("Tribal Consultation Mapping Site" at *www.achp.gov*), described by Bob Bush, to assist Federal agencies in identifying Indian tribes to be consulted for actions on lands that have historic properties of religious and cultural significance to tribes, but are not tribal lands. The database will contain maps and data that define areas of historic significance on a state-by-state basis and a list of tribal leaders with whom agencies should consult on a government-to-government basis.

A wind energy project, funded in part by DOE through a cooperative (50-50) grant, was described by Robert Gough, Intertribal Council on Utility Policy. The Rosebud Reservation (South Dakota) wind energy project (*www.eere.energy.gov/windpoweringamerica/na_rosebud.html*), a 750-watt installation completed in February 2003, is the first utility-scale Native American wind turbine.

For further information on this informational meeting and on DOE historic preservation and cultural resources policies, contact Lois Thompson, Office of Air, Water and Radiation Protection, at lois.thomspon@eh.doe.gov or 202-586-9581. (See also *LLQR*, September 2002, page 17.)

My Summer Detail at the NEPA Office

By: Katatra Day, ***Environmental Scientist, Oak Ridge Operations Office***

Since joining the Oak Ridge Operations Office in July 2000, Katatra Day has been a member of the Environmental Protection Group, which oversees NEPA activities. She recently completed the DOE Technical Intern Program, which is designed to prepare recent college graduates, current Federal employees, and private sector candidates with 3-5 years of experience to be productive and knowledgeable DOE employees. Her program consisted of a specific core of technical training activities, including project management, leadership development, and a rotational assignment.

Acting NCO David Page (left) and Robert Poe, Assistant Manager for Environment, Safety, Health, & Emergency Management at the Oak Ridge Operations Office, present Katatra Day with the certificate of completion for her Technical Intern Program.

As the final phase of my participation in the DOE Technical Intern Program, I applied for a rotational assignment to the Office of NEPA Policy and Compliance at DOE Headquarters. It promised to be a good fit, both to increase my understanding of NEPA and to give me better understanding of how the DOE NEPA program works. At the Oak Ridge Operations Office, I have diverse responsibilities to assist the NEPA Compliance Officer, including serving as the liaison for our Program Offices that use the DOE-wide NEPA contracts; writing CXs, reviewing EAs and other NEPA documents; and responding to requests for information about our NEPA activities. From the beginning of my employment, I felt I needed a broader orientation to the Department and its diverse missions so I could be a more effective employee. A detail assignment to the Headquarters NEPA Office would give me "Headquarters experience" (as they refer to it in the Field) that would help me better understand how that Office assists the Field in its NEPA implementation and how better to respond to that Office's requests for information.

I arrived the day before the Department's NEPA Community Meeting. The NEPA Office staff was definitely busy and focused on the meeting but very welcoming. Yardena Mansoor, my assigned mentor there, took time to introduce me to the Office Director, Carol Borgstrom, and the NEPA staff. My first impression of the Office of NEPA Policy and Compliance was a positive one. After meeting the staff, I was eager to begin the 60-day journey of working at the Office and learning as much as possible from each person on the staff.

I immediately noticed and was excited to see that there were a number of other women environmental professionals in the Office. This mixture was definitely a huge difference from my Oak Ridge office – four men and myself.

After the NEPA Community Meeting, Carolyn Osborne, my immediate supervisor during my rotational assignment, and Ms. Borgstrom gave me challenging assignments that helped me to become more knowledgeable about the NEPA process. I commented on several project-specific EISs, drafted guidance on formulating EIS alternatives to support flexible decisionmaking, prepared a model postcard to be used in EIS distribution, and participated in interagency conferences, internal scoping processes, and management meetings. One of the highlights of my detail was interviewing the Assistant Secretary for Environment, Safety and Health, Beverly Cook, who shared with me her thoughts on her career at DOE and encouraged me to develop my professional skills. I will continue to reflect on our discussions and my impressions of this thoughtful and successful manager.

I gained much from my daily interaction with NEPA staff by listening, developing an understanding of their procedures, and observing their business styles.This will help me work more proficiently and have a deeper appreciation of the NEPA implementation process. Before this experience I was so focused on my own projects that I really did not understand how all the pieces of the puzzle came together. I would definitely recommend a Headquarters detail to other professionals beginning their environmental careers.

The detail exposed me to so many perspectives that I could only experience at Headquarters. It was really NEPA 500: the Advanced NEPA Course!

continued on next page

Summer Detail

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My experience was not limited to NEPA. I was exposed also to the broader perspectives of how Department policy, the President's Management Initiative, Congressional actions, and regulatory processes interact and directly affect program direction and departmental budgets. Before this experience, I often had no real appreciation for "the big picture."

The Headquarters detail opened my eyes to see the broader prospective, the context of the role that I play, and what it truly means to be a civil servant.

The Technical Intern Program helped me better serve DOE and its mission through quality training and on the job experience. It allowed me to acquire necessary skills needed to be a more efficient and effective employee within the Department. This would not have been possible if my managers and mentors at the Oak Ridge Operations Office, Technical Intern Program, and DOE NEPA Office did not have an interest in my success. I am very thankful for all their support. There is a saying that "where much is given, much is required." This experience has given me more appreciation to become the best civil servant that I can be.

Katatra Day can be reached at daykc@oro.doe.gov or 865-576-0835. The Office of NEPA Policy and Compliance greatly appreciates the contributions that she made during her 60-day detail, especially to the Lawrence Livermore Site-wide EIS and guidance documents in preparation on alternatives and EIS distribution. We encourage other DOE NEPA practitioners to consider applying for temporary assignments to our Office.

DOE-wide NEPA Contracts Update

The following tasks have been awarded recently under the DOE-wide NEPA contracts. For questions, including information on earlier tasks awarded under DOE-wide NEPA contracts, contact David Gallegos at dgallegos@doeal.gov or 505-845-5849. Information and resources for potential users of these contracts are available on the DOE NEPA Web site at *tis.eh.doe.gov/nepa* under DOE-wide NEPA Contracting.

Task Description	DOE Contact	Date Awarded	Contract Team
Greater-Than-Class-C Low Level Waste Disposal EIS	Ken Picha kenneth.picha@em.doe.gov 202-586-9726	9/27/2003	Battelle
EA for Chemical and Biological Materials at Nevada Test Site and Second Supplement Analysis for Site-wide EIS	William Suiter suiter@nv.doe.gov 702-295-0630	9/20/2003	Tetra Tech
EA for the Decontamination and Decommissioning of the Juggernaut Reactor at Argonne National Laboratory	Kenneth Chiu ken.chiu@ch.doe.gov 630-252-2376	10/31/2003	Battelle

Transitions

Katherine Nakata Transfers To EH Information Management

After six years in the Office of NEPA Policy and Compliance, Katherine Nakata has transferred to a new position in the Office of Environment, Safety and Health. As an Information Management Specialist, Dr. Nakata will be a liaison between the Office of Environment and her new office, the Office of Corporate Performance Assessment within the Office of Information Management.

Dr. Nakata served as an Environmental Protection Specialist in the NEPA Office, where she was a liaison to the Power Marketing Administrations and supported the Office of Fossil Energy. She reviewed EISs (including those for Presidential permit applications to construct and inter-connect electricity transmission lines that would cross the U.S.-Mexico border and for the sale of Naval Petroleum Reserve No. 1), contributed to the development of the revised rule for floodplain and wetland environmental review (10 CFR Part 1022), and oversaw issuance of the *Directory of Potential Stakeholders for DOE Actions under the National Environmental Policy Act*. Before joining the NEPA Office, she served for six years as a CERCLA Specialist for the RCRA/CERCLA Division of the Office of Environment, Safety and Health.

Katherine Nakata can be reached at katherine.nakata@eh.doe.gov or 202-586-1374.
The NEPA Office wishes her well in her future work, and says farewell but not good-bye.

DOE's NEPA Contact at EPA, Susan Absher, Retires

Susan Absher, DOE's NEPA Point of Contact at the Office of Federal Activities, is retiring after 32 years with the U.S. Environmental Protection Agency. She supported our Lessons Learned Program and participated in our recent DOE NEPA Community Meetings. The DOE NEPA Office appreciates her valuable assistance and offers its good wishes on her retirement.

Mills Detailed to White House Energy Streamlining Task Force

Brian Mills of the Office of NEPA Policy and Compliance is detailed to the White House Task Force on Energy Project Streamlining for 120 days where he is applying his expertise in NEPA and Federal land use planning. The Task Force was established under Executive Order 13212, "Actions to Expedite Energy-Related Projects," to "work with and monitor Federal Agencies' efforts to expedite their review of permits or take other actions as necessary to accelerate the completion of energy-related permits, while maintaining safety, public health, and environmental protections."

> *This is a great opportunity to help break some logjams affecting energy projects and at the same time ensure that environmental protections are preserved.*
> *– Brian Mills*

Mr. Mills is working on several projects with staff from the Council on Environmental Quality, the Environmental Protection Agency, and the Departments of Agriculture, Energy, and the Interior (DOI), under Task Force Director Robert Middleton, Minerals Management Service, DOI. One pilot project is an examination of the use of adaptive environmental management strategies in the NEPA review for energy projects. Mr. Mills also will assist in improving collaborative processes for Federal, state, and tribal interagency energy projects and coordination among state-level permitting authorities and Federal agencies. "Early coordination and open communication among government agencies and with applicants is key to a nonadversarial NEPA process," he advised.

Brian Mills can be reached at brian.mills@eh.doe.gov or 202-586-3301. See *LLQR*, December 2002, page 21, for information on a Workshop held by the Task Force, and September 2001, page 16, on the Executive Order and formation of the Task Force.

Litigation Updates

DOE NEPA-Related Litigation In Brief

Border Power Plant Working Group v. DOE (S.D. California): See related article on page 7.

Columbia Riverkeeper and State of Washington v. Spencer Abraham (E.D. Wash.): These consolidated NEPA actions seek to prohibit DOE from shipping transuranic and transuranic mixed waste to the Hanford site for treatment and storage while DOE prepares additional NEPA review. The court previously issued a preliminary injunction and enjoined additional transuranic waste shipments to the Hanford site during this litigation. The Government filed a report on November 21, 2003, concerning the status of the Hanford Solid Waste EIS and ROD. (See *LLQR*, June 2003, page 21.) [Case Nos: CT-03-5018-AAM and CT-03-5044-AAM]

Nevada v. DOE (D.C. Cir.): Oral arguments on the consolidated case (combining Nevada's legal challenges to siting a geologic repository at Yucca Mountain) were delayed following a decision by the court in August 2003 to place the case on its "complex" docket, a move that increases the time for arguments. Oral arguments are scheduled for January 14, 2004. (See *LLQR*, June 2003, page 21.) [Case Nos: 01-1516, 02-1036, 02-1077, 02-1179, 02-1196]

NRDC v. Spencer Abraham (D. Idaho): Congress did not act this year on legislation proposed by DOE that would have clarified the definition of high-level waste in light of a court ruling that part of DOE Order 435.1, Radioactive Waste Management, is invalid (see *LLQR*, September 2003, page 23). DOE has appealed the court ruling. DOE's briefs are due December 15, 2003. The decision and related documents are available online at *www.id.uscourts.gov* under Case Files, District, Case Files – Non Restricted, case number 01-413. [Case No: 01-0413-S-BLW]

Other Agency NEPA Cases

Citizens for Better Forestry v. U.S. Department of Agriculture (9th Cir.): Plaintiffs challenged the USDA's 2000 Plan Development Rule for forest management, claiming that the USDA failed to comply with procedural requirements under NEPA and the Endangered Species Act. The court held that the USDA violated the regulations implementing NEPA (see 40 CFR 1501.4 and 1506.6) by failing to provide an opportunity for public comment on an EA and FONSI in its rulemaking process, and that plaintiffs may challenge higher-level, programmatic plans that remove or impose requirements for site-specific plans, as well as site-specific plans themselves. [Case No: CV-01-00728-MJJ]

Mid States Coalition for Progress v. Surface Transportation Board (8th Cir.): Citing NEPA, the National Historic Preservation Act, and the Fort Laramie Treaty of 1868, plaintiffs challenged the Board's approval of Dakota, Minnesota & Eastern Railroad Corporation's proposal to construct a new rail line and upgrade an existing line to coal mines in the Wyoming Powder River Basin. The court concluded that the Board does not have a duty to analyze alternatives that, if adopted, would not fulfill the project goals as defined by the applicant. The court also concluded, however, that the Board's EIS was inadequate in three regards: (1) it failed to provide a reasoned discussion supporting the Board's decision that mitigation of horn noise is not warranted, (2) it did not "assess, consider, and respond" to comments made on the cumulative impact of noise and vibration on households, and (3) it failed to examine the effects of a reasonably foreseeable increase in coal consumption. The court vacated the Board's decision and remanded the matter to the Board for further proceedings consistent with the court's opinion. [Case Nos: 02-1359, 02-1863, 02-1804, 02-1794, 02-1792, 02-1785, 02-1767, 02-1482, 02-1481]

Training Opportunities

NEPA-related courses are listed in the Lessons Learned Quarterly Report *for information only, without endorsement.*

- **Reviewing NEPA Documents**
  2-Day or 3-Day Course
  Logan, UT: December 8-10
  Portland, OR: February 17-19, 2004
  Fee: $595/$795

  How to Manage the NEPA Process and Write Effective NEPA Documents
  Milwaukee, WI: December 9-12
  Las Vegas, NV: January 27-30, 2004
  Salt Lake City, UT: February 24-27, 2004
  Fee: $995

  Socioeconomic Impact Analysis
  Logan, UT: December 11-12
  Fee: $595

  Environmental Conflict Management
  Logan, UT: December 18-19
  Fee: $595

  NEPA Overview and Section 106 of National Historic Preservation Act
  Sante Fe, NM: February 10-11, 2004
  Fee: $595

  The Shipley Group
  888-270-2157 or 801-298-7800
  shipley@shipleygroup.com
  www.shipleygroup.com

  NEPA Certificate Program
  Conducted through Utah State University. Requires successful completion of four core and three elective courses offered by The Shipley Group. Courses completed in 2000 or later may be applied toward the certificate. Also requires completion of course exams and a final project.
  Fee: $4,995 (includes tuition, course fees, and all materials)

  Natural Resources and
  Environmental Policy Program
  Utah State University
  435-797-0922
  judy.kurtzman@usu.edu
  www.cnr.usu.edu/policy/nepa.html

- **Socioeconomic Impact Analyses Under NEPA**
  Durham, NC: February 25-27, 2004
  Fee: $695/$775 (by/after January 26)

  Accounting for Cumulative Effects in the NEPA Process
  Durham, NC: March 31-April 2, 2004
  Fee: $990/$1090 (by/after March 1)

  Preparing and Documenting Environmental Impact Analysis
  Durham, NC: June 21-24, 2004
  Fee: $990/$1090 (by/after May 24)

  Nicholas School of the Environment and Earth Sciences
  Levine Science Research Center
  Duke University
  919-613-8082
  sea3@duke.edu
  www.env.duke.edu/del/shortcourses

  NEPA Certificate Program
  Requires successful completion of one core and three elective Duke University NEPA short courses. A written paper also is required. Previously completed courses may be applied toward the certificate.
  Fee: Included in registration for constituent courses.

  919-613-8082
  del@env.duke.edu
  www.env.duke.edu/del/certificates/certificates.html

EAs and EISs Completed July 1 to September 30, 2003

EAs

Bonneville Power Administration
DOE/EA-1425 (8/22/03)
Raymond-Cosmopolis 115 kV No.1 Transmission Line Rebuild Project, Washington
Cost: $30,000
Time: 17 months

Chicago Operations Office
DOE/EA-1473 (8/07/03)
Partial Funding of a Proposed Life Sciences Building at Brown University, Rhode Island
Cost: $38,000
Time: 3 months

Golden Field Office
DOE/EA-1475 (07/11/03)
Chariton Valley Biomass Project, Colorado
Cost: $50,000
Time: 11 months

Grand Junction Operations Office
DOE/EA-1406 (7/22/03)
Ground Water Compliance at the New Rifle Mill Tailings Site, Colorado
Cost: $21,000
Time: 46 months

National Nuclear Security Administration
DOE/EA-1479 (8/26/03)
Omega Extended Performance Project, New York
Cost: $35,000
Time: 4 months

Western Area Power Administration
DOE/EA-1401 (8/25/03)
Wolf Point, Montana - Williston, North Dakota 115 kV Transmission Line Rebuilid, Montana, North Dakota
Cost: $143,000
Time: 25 months

DOE/EA-1474 (07/18/03)
Exira Station Electric Generating Facility, Iowa
[Note: The cost for this EA was paid by the applicant; therefore, cost information does not apply to DOE.]
Time: 3 months

EISs

Western Area Power Administration
DOE/EIS-0323 (68 FR 54900, 9/19/03)
(EPA Rating: EC-2)
Sacramento Area Voltage Support Project, California
Cost: The cost for this EIS was unavailable at the time of this report; it will be reported in the next *LLQR.*
Time: 38 months

ENVIRONMENTAL PROTECTION AGENCY (EPA) RATING DEFINITIONS

Environmental Impact of the Action
LO – Lack of Objections
EC – Environmental Concerns
EO – Environmental Objections
EU – Environmentally Unsatisfactory

Adequacy of the EIS
Category 1 – Adequate
Category 2 – Insufficient Information
Category 3 – Inadequate

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

NEPA Document Cost and Time Facts

EA Costs and Completion Times

- For this quarter, the median cost of 6 EAs for which cost data were applicable was $36,500; the average was $52,830.
- Cumulatively, for the 12 months that ended September 30, 2003, the median cost for the preparation of 29 EAs for which cost data were applicable was $40,000; the average was $93,100.
- For this quarter, the median completion time of 7 EAs was 11 months; the average was 16 months.
- Cumulatively, for the 12 months that ended September 30, 2003, the median completion time for 29 EAs was 10 months; the average was 14 months.

EIS Costs and Completion Times

- The cost for 1 EIS completed was not available at the time of this report; it will be incorporated in the EIS cost data in the next *LLQR*.
- Cumulatively, for the 12 months that ended September 30, 2003, the median cost for the preparation of 10 EISs for which cost data were available and applicable was $1,000,000; the average was $7,275,560.*
- For this quarter, the completion time of 1 EIS was 38 months.
- Cumulatively, for the 12 months that ended September 30, 2003, the median completion time for 11 EISs was 32 months; the average was 37 months.*

* *Note: This value should be interpreted with caution because a single document (the Yucca Mountain EIS) significantly affected the average.*

Recent EIS-Related Milestones (September 1 to November 30, 2003)

Notice of Intent

National Energy Technology Laboratory
DOE/EIS-0365
Presidential Permit Applications for Baja California Power, Inc., and Sempra Energy Resources, California
October 2003 (68 FR 61796, 10/30/03)

Draft EISs

Bonneville Power Administration
DOE/EIS-0349
Cherry Point Cogeneration Project, Washington
September 2003 (68 FR 54900, 9/19/03)

DOE/EIS-0343
COB Energy Facility, Oregon
November 2003 (68 FR 66825, 11/28/03)

Environmental Management
DOE/EIS-0359
Proposed Construction, Operation, Decontamination/ Decommissioning of Depleted Uranium Hexaflouride Conversion Facility at Paducah, Kentucky
November 2003 (68 FR 66825, 11/28/03)

DOE/EIS-0360
Proposed Construction, Operation, Decontamination/ Decommissioning of Depleted Uranium Hexaflouride Conversion Facility at Portsmouth, Ohio
November 2003 (68 FR 66825, 11/28/03)

Final EIS

National Nuclear Security Administration
DOE/EIS-0350
Chemistry and Metallurgy Research Building Replacement Project at Los Alamos National Laboratory, New Mexico
November 2003 (68 FR 65705, 11/21/2003)

Records of Decision

Bonneville Power Administration
DOE/EIS-0312
Fish and Wildlife Implementation Plan, Oregon, Washington
November 2003 (68 FR 64614, 11/14/03)

DOE/EIS-0345
Plymouth Generating Facility Project, Washington
October 2003 (68 FR 60342, 10/22/03)

Environmental Management
DOE/EIS-0269
Amended Record of Decision, Final Programmatic Environmental Impact Statement for Long-Term Management and Use of Depleted Uranium Hexafluoride, Kentucky, Ohio, Tennessee
September 2003 (68 FR 53603, 9/11/03)

Western Area Power Administration
DOE/EIS-0354
Valley Electric Association Interconnection of Ivanpah Energy Center to Mead Substation, Nevada
November 2003 (68 FR 66410, 11/26/03)

Supplement Analyses

Bonneville Power Administration

Mid-Columbia Coho Reintroduction Feasibility Project
(DOE/EA-1282)

DOE/EA-1282-SA-04
Mahar Pond Expansion,Chelan County, Washington
(Decision: No further NEPA review required)
August 2003*

Wildlife Mitigation Program Environmental Impact Statement
(DOE/EIS-0246)

DOE/EIS-0246-SA-34
Asotin Creek Watershed, Washington-Schlee Acquisition, Asotin County, Washington
(Decision: No further NEPA review required)
September 2003

DOE/EIS-0246-SA-35
Malheur Wildlife Mitigation Project – Denny Jones Ranch, Malheur County, Oregon
(Decision: No further NEPA review required)
August 2003*

**Not previously reported in LLQR*

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Recent EIS-Related Milestones (September 1 to November 30, 2003)

Supplement Analyses, continued from previous page

Watershed Management Program
(DOE/EIS-0265)

DOE/EIS-0265-SA-114
Protect and Restore Lolo Creek Wastershed – Jim Brown Creek Stream Crossing Project, Clearwater County, Idaho
(Decision: No further NEPA review required)
August 2003*

DOE/EIS-0265-SA-117
Umatilla River Basin Anadromous Fish Habitat Enhancement Project – Stroud Creek Stabilization, Umatilla River, Umatilla Indian Reservation
(Decision: No further NEPA review required)
August 2003*

DOE/EIS-0265-SA-118
Crims Island Parcel Acquisition – Preserve and Restore Columbia River Estuary, Clatskanie and Columbia Counties, Oregon; Longview, Washington
(Decision: No further NEPA review required)
August 2003*

DOE/EIS-0265-SA-119
Protect and Restore the Asotin Creek Watershed – Lick Subwatershed Road Obliteration, Umatilla National Forest, Idaho
(Decision: No further NEPA review required)
August 2003*

DOE/EIS-0265-SA-120
Water Entity, Walla Walla, Yakima, and Methow Basins, Washington; Willamette and Deschutes Basins, Oregon; Salmon Basin, Idaho; Blackfoot and Bitterroot Basins, Montana
(Decision: No further NEPA review required)
August 2003*

DOE/EIS-0265-SA-121
Reducing Water Temperature on the Teanaway River, Kittitas County, Washington
(Decision: No further NEPA review required)
August 2003*

DOE/EIS-0265-SA-122
Big Creek Passage and Screening, Kittitas County, Washington
(Decision: No further NEPA review required)
September 2003

DOE/EIS-0265-SA-123
East Fork Holistic Restoration-Salmon River East Fork, Custer County, Idaho
(Decision: No further NEPA review required)
September 2003

Transmission System Vegetation Management Program Final Environmental Impact Statement
(DOE/EIS-0285)

DOE/EIS-0285-SA-145
Vegetation Management for Portion of the Covington-White River #1 230 kV Transmission Line Located from Tower Structure 1/1 to 9/6 King and Pierce Counties, Washington
(Decision: No further NEPA review required)
May 2003*

DOE/EIS-0285-SA-152
Vegetation Management for the Lancaster-Noxon, 21/2 to 47/1 Transmission Line ROW, Kootenai and Bonner Counties, Idaho
(Decision: No further NEPA review required)
June 2003*

DOE/EIS-0285-SA-153
Vegetation Management for Portion of the Snohomish-Bothell No.1 Transmission Line Located from Tower Structure 2/4 to 8/11, Snohomish County, Washington
(Decision: No further NEPA review required)
May 2003*

DOE/EIS-0285-SA-154
Vegetation Management for Portion of the Raver-Covington No.1&2 and Tacoma-Raver No.1&2 500 kV Transmission Line Located from Tower Structures 1/1 to 10/6 & 19/5 to 24/3, King County, Washington
(Decision: No further NEPA review required)
May 2003*

**Not previously reported in LLQR*

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Recent EIS-Related Milestones (September 1 to November 30, 2003)

Supplement Analyses, continued from previous page

DOE/EIS-0285-SA-155
Vegetation Management along the Shelton Kitsap #4 230 kV Transmission Line Corridor from Structure 1/1 through Structure 32/3, Mason and Kitsap Counties, Washington
(Decision: No further NEPA review required)
May 2003*

DOE/EIS-0285-SA-156
Vegetation Management along the Paul Olympia 500 kV and Chehalis-Olympia 230 kV Transmission Lines, Lewis County, Washington
(Decision: No further NEPA review required)
May 2003*

DOE/EIS-0285-SA-157
Vegetation Management for the Lower Monumental-Ashe (500 kV) and Midway-Benton #1 (115 kV) and #2 (230 kV) Transmission Lines, Benton County, Washington
(Decision: No further NEPA review required)
May 2003*

DOE/EIS-0285-SA-158
Addition of Use Area to List Approved Herbicides (Systemwide)
(Decision: No further NEPA review required)
May 2003*

DOE/EIS-0285-SA-159
Vegetation Management along the Raymond Cosmopolis No.1, 115 kV Transmission Line Corridor from Structure 1 through Structure 169, Pacific and Grays Harbor Counties, Washington
(Decision: No further NEPA review required)
August 2003*

DOE/EIS-0285-SA-160
Vegetation Management for the Albany-Lebanon #1 115 kV Transmission Line from Albany Substation to Lebanon Substation, Linn County, Oregon
(Decision: No further NEPA review required)
June 2003*

DOE/EIS-0285-SA-161
Vegetation Management for the Columbia Falls - Trego, 1/1 to 46/9 Transmission Line Row, Lincoln and Flathead County, Montana
(Decision: No further NEPA review required)
June 2003*

DOE/EIS-0285-SA-162
Vegetation Management for the Libby-Troy Section of the Libby-Bonners Ferry Transmission Line ROW, Lincoln County, Montana
(Decision: No further NEPA review required)
June 2003*

DOE/EIS-0285-SA-163
Grant and Douglas County Noxious Weed Management along BPA Rights-of-ways, Transmission Structures and Roads, Grant and Douglas Counties, Washington
(Decision: No further NEPA review required)
July 2003*

DOE/EIS-0285-SA-164
Vegetation Management for the Walla Walla-North Lewiston Transmission Line Corridor near Tower 16/2, Walla Walla County, Washington
(Decision: No further NEPA review required)
July 2003*

DOE/EIS-0285-SA-165
Vegetation Management for the Cardwell-Cowlitz 115 kV Transmission Line, Cowlitz County, Washington
(Decision: No further NEPA review required)
July 2003*

DOE/EIS-0285-SA-166
Vegetation Management for the Grandview-Red *Mountain #1 Transmission Line Corridor from Benton City Substation to Tower 19/9, Benton County, Washington*
(Decision: No further NEPA review required)
July 2003*

**Not previously reported in LLQR*

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Recent EIS-Related Milestones (September 1 to November 30, 2003)

Supplement Analyses,continued from previous page

DOE/EIS-0285-SA-167
Vegetation Management for the McNary-Ross, 345 kV Transmission Line, Klickitat County, Washington
(Decision: No further NEPA review required)
July 2003*

DOE/EIS-0285-SA-168
Vegetation Management for 4 Patches of Leafy Spurge on the Grande Coulee-Bell Transmission Line Corridor between WP 76/5 and WP 77/1 in Riverside State Park, Spokane, Washington
(Decision: No further NEPA review required)
July 2003*

DOE/EIS-0285-SA-169
Vegetation Management for Portion of the CJ-Monroe No.1 from 80/1 to 121/4 and CJ-Snohomish No.3&4 from 80/3 to 81/1 and 100/3 to 105/1, King and Snohomish Counties, Washington
(Decision: No further NEPA review required)
August 2003*

DOE/EIS-0285-SA-170
Vegetation Management for Portion of the Rocky Reach-Maple Valley No.1 Transmission Line, from 90/3 to 113/3, King County, Washington
(Decision: No further NEPA review required)
August 2003*

DOE/EIS-0285-SA-171
Vegetation Management for Portion of the Monroe-Snohomish No.1 230 kV Transmission Line, Snohomish County, Washington
(Decision: No further NEPA review required)
August 2003*

DOE/EIS-0285-SA-172
Vegetation Management for the Swan Valley – Teton 1&2 Transmission Line Corridor between Towers 29/1 & 36/3, Teton County, Wyoming
(Decision: No further NEPA review required)
August 2003*

DOE/EIS-0285-SA-173
Vegetation Management for Portion of the Tacoma – Raver #1 500 kV Transmission Line from Tower 1/1 to 15/16, Pierce and King Counties, Washington
(Decision: No further NEPA review required)
August 2003*

DOE/EIS-0285-SA-174
Miscellaneous Tree Cutting – Various Corridors, Oreille County, Washington; Bonner County, Idaho
(Decision: No further NEPA review required)
August 2003*

DOE/EIS-0285-SA-175
Vegetation Management for the Ashe-Slatt Transmission Line Corridor, Benton County, Washington
(Decision: No further NEPA review required)
August 2003*

DOE/EIS-0285-SA-176
Vegetation Management for Dallas-Chenoweth & Chenoweth - Harvey 115 kV Transmission Lines, Wasco County, Washington
(Decision: No further NEPA review required)
August 2003*

DOE/EIS-0285-SA-177
Vegetation Management for Bonneville-Hood River 115 kV Transmission Line, Hood River, Oregon
(Decision: No further NEPA review required)
September 2003

DOE/EIS-0285-SA-178
Vegetation Management for Portion of the Chehalis-Covington No.1 Transmission Line, Pierce County, Washington
(Decision: No further NEPA review required)
September 2003 LL

**Not previously reported in LLQR*

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. This Quarterly Report covers documents completed between July 1 and September 30, 2003.

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 Environment, Safety and Health.

Scoping

What Worked

- *Early planning.* Scoping identified the need to avoid certain utility lines, enabling us to make the necessary adjustments in the initial design.
- *Responding to concerns.* Proposed transmission line realignments were implemented to reduce land use impacts in response to land owner concerns.

What Didn't Work

- *Inability to compromise.* During the EA process, we learned that compromises on project expansion issues in surrounding neighborhoods and historic areas are time consuming and difficult. This is especially true when the expansion entails facilities that are considered more "industrial" in nature and undesirable to have nearby.

Data Collection/Analysis

What Worked

- *Using GIS data.* Use of GIS data assisted in analyzing impacts, planning the location of project elements, consulting with agencies, and informing the public of the issues.
- *Conducting agency meetings.* Meetings were held with various agencies within a close time frame, so they could work out their approach because their agency agendas sometimes conflicted. This method facilitated solving problems concerning resource issues.
- *Organizing comments.* Classification and grouping of DEIS comments helped facilitate the preparation of comment/response document information.
- *Using experienced contractors*. To avoid frustrations and a steep learning curve, avoid using contractors that have no previous experience in preparing NEPA documents.

What Didn't Work

- *Lack of pertinent data.* Data collected for the EA were not specific to the proposed action.
- *Failure to follow standards*. NEPA contractors did not follow our standard mitigation measures. Instead the contractor developed new measures but did not provide a basis for using them.

Schedule

Factors that Facilitated Timely Completion of Documents

- *Cooperative planning*. Coordination among staff and supervisors helped keep the EA on schedule.
- *Coordination among stakeholders.* Initial site visits established a good rapport among the team preparing the EA and the technical contractors supporting the project applicant. This approach facilitated timely completion of the EA as well as subsequent exchanges of information.
- *Initiate consultation processes early.* The consultation process was finished prior to completing the public outreach activities and writing the EA. This allowed for a timely streamlined project schedule.
- *Used abbreviated FEIS.* Use of an abbreviated FEIS (we circulated only changes to the draft EIS, rather than rewriting and recirculating the entire statement, in accordance with 40 CFR 1503.4 (c)) saved time and cost. Circulating the entire FEIS would have required additional time to review and additional cost for printing.
- *Early communication.* Expectations for better quality control were conveyed to contractors early and often.

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What Worked and Didn't Work in the NEPA Process

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Factors that Inhibited Timely Completion of Documents

- *Accommodating sensitive resources.* Consideration of sensitive environmental resources changed some elements of the project design and added time to the project schedule.
- *Unawareness of NEPA requirement*. The grantee did not initially understand the requirement to comply with NEPA; once understood, the project schedules had to be revised to enable EA completion.
- *Discussion with interest groups.* Consultations with the public resulted in several iterations of early designs; time consuming and difficult negotiations ensued.
- *Poor NEPA contractor performance.* The document provided by NEPA contractor did not meet quality assurance objectives and not all conclusions provided in the EA were supported. This resulted in additional revisions prior to final approval.

Teamwork

Factors that Facilitated Effective Teamwork

- *Early coordination.* Faster, less complex reviews were facilitated by early coordination with reviewers. Better quality control also contributed to fewer changes and faster reviews.
- *Team meetings.* Regular discussions allowed staff to learn environmental procedures, give input, and solve problems.
- *Progress reports and teleconferencing*. Monthly reports and teleconferences facilitated teamwork.
- *Numerous communications*. Frequent communication facilitated effective teamwork.
- *Creating an alliance*. Forming an equal partnership when one agency was designated as the lead agency contributed to good communication and team work.

Factors that Inhibited Effective Teamwork

- *Miscommunication.* There was a misunderstanding between the contractors and DOE on the level of effort, analysis, and writing necessary to complete an EA.

Process

Successful Aspects of the Public Participation Process

- *Geographically dispersed locations.* Holding meetings at geographically separated towns was appreciated by local people.
- *Keeping the public informed.* Using public outreach techniques, several successful meetings were held with the participants, the Federal government, and the community.
- *Meet frequently*. The ongoing conflict over zoning was addressed by sponsoring regular meetings to talk with the public about project plans. Such meetings were the only way for both sides of the zoning controversy to openly discuss the matter and coexist amicably.
- *Early distribution of information.* Public input was requested early in the scoping process. The EA was provided to a wide audience for review.
- *Careful comment consideration.* There was careful consideration of public comments and drafting of responses to these comments to ensure objectivity.

Unsuccessful Aspects of the Public Participation Process

- *Dangerous meeting locations.* The meetings were conducted at night in remote areas with unpredictable weather and rather dangerous nighttime driving conditions.

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What Worked and Didn't Work in the NEPA Process

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Usefulness

Agency Planning and Decisionmaking: What Worked

- *Respecting environmental concerns.* Environmental considerations guided the planning process more than any other part of the process and were integral to most design and implementation decisions.
- *Addressing future plans.* As part of the agency's planning and decisionmaking process, the EA addressed maintenance work for several years. The EA also defined a number of mitigation measures to minimize environmental impacts.

Enhancement / Protection of the Environment

- The EA process will protect wetlands. The need to protect fish habitat and water quality resulted in the siting of structures and roads away from streams as much as possible. Measures will be implemented to protect areas where wetlands and streams cannot be avoided. Standards for road construction were improved. Various land use restrictions will address the need to protect endangered species.
- Given implementation of the environmental protection measures outlined in the document, every known measure will be taken to avoid environmental harm. More will be known once additional analysis is performed after the project is funded.

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 4 questionnaire responses were received for EAs and 1 response was received for EISs, 3 out of 4 respondents rated the NEPA process as "effective."

- A respondent who rated the process as "5" stated that the NEPA process, "prompted many questions to ensure good alternatives analyses and comparison."
- A respondent who rated the process as "5" stated that the NEPA process, "was a factor in many of the engineering, design, and construction decisions on this project."
- A respondent who rated the process as "4" stated that the NEPA review resulted in "a more informed decision making" process.
- A respondent who rated the process as "2" stated that "considering the need for the project, it was already known that the poles on the transmission line needed to be replaced due to age and condition. It was recognized early in the NEPA process that the No Action Alternative would not meet the needs of the project."