NEPA
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LESSONS LEARNED
U.S. DEPARTMENT OF ENERGY QUARTERLY REPORT

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# What Didn't Work – and Making It Work Next Time: Scoping Process

By: Ralph Barr, Office of NEPA Policy and Compliance

From the first issue of *LLQR* in 1994, the Office of NEPA Policy and Compliance has encouraged NEPA practitioners to share their experiences of "What Worked and What Didn't Work in the NEPA Process." We hope that this information has been helpful to our readers.

As *LLQR* enters its third decade, we are expanding our discussion of common "Didn't Work" issues. With this article, we are launching a series that highlights the reasons why things didn't work, and what can be done to avoid such problems in the future. We begin with a common issue encountered in the public participation process.

**What Didn't Work:** The public was not aware of upcoming scoping meetings and what scoping involves.

NEPA Document Managers have reported concerns from members of the public who were not aware of scoping meetings in time to attend or comment. The effectiveness of scoping meetings was also reduced when attendees misunderstand the purpose of scoping.

**Scoping**

"DOE shall hold at least one public meeting as part of the public scoping process for a DOE EIS." (10 CFR 1021.311(d))

## Why It Didn't Work

*LLQR* questionnaire respondents have suggested possible explanations for why the scoping meeting process didn't work.

- Insufficient publicity:
  - Advertisement of scoping meetings was at the last minute or did not occur.
  - The meetings were advertised, but not in the right places to reach potentially interested members of the public.

*(continued on page 4)*

*Using an open-house style format with charts, posters, and other displays stimulates discussion between the public and project staff and technical experts. This can lead to better informed scoping comments.*

## Inside *Lessons Learned*

Welcome to the 81st quarterly report on lessons learned in the NEPA process. This issue features tools to help NEPA practitioners perform NEPA reviews: MapWarper, EERE's Environmental Questionnaire for funding proposals, and a sustainability rating system. 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 to *LLQR*

Send suggestions, comments, and draft articles – especially case studies on successful NEPA practices – by January 21, 2015, to Yardena Mansoor at yardena.mansoor@hq.doe.gov.

### Quarterly Questionnaires Due February 2, 2015

For NEPA documents completed October 1 through December 31, 2014, NEPA Document Managers and NEPA Compliance Officers should submit a Lessons Learned Questionnaire as soon as possible after document completion, but not later than February 2. Other document preparation team members are encouraged to submit a questionnaire, too. Contact Vivian Bowie at vivian.bowie@hq.doe.gov for more information.

### *LLQR* Online

All issues of *LLQR* and the Lessons Learned Questionnaire are available on the DOE NEPA Website at energy.gov/nepa under Guidance & Requirements, then Lessons Learned. The electronic version of *LLQR* includes links to most of the documents referenced herein. To be notified via email when a new issue of *LLQR* is available, send your email address to yardena.mansoor@hq.doe.gov. (DOE provides paper copies only on request.)

# NAEP 2015 Conference: April 13–16

The National Association of Environmental Professionals (NAEP) will host its 40th annual conference April 13–16 in Honolulu, with the theme *Mauka to Makai: Environmental Stewardship from the Mountains to the Sea*. The conference will offer presentations and panel discussions on NEPA regulatory developments, guidance, litigation outcomes, public involvement, and analytical techniques. In addition to covering broad environmental topics – e.g., climate change, protection of sensitive environmental resources, and sustainability – the agenda will include diverse case studies. Two full-day training workshops are offered on April 13: topics on career development for environmental professionals (creating and responding to requests for proposals, top client skills, and job market challenges) and NEPA basics (attaining a working knowledge of NEPA regulations, legal interpretations, and typical federal agency practices).

Registration is open to environmental professionals in all levels of government, academia, and the private sector. Early registration rates are available, and discounts are offered to speakers and government employees. Additional information will be available on the NAEP website in early 2015.

# NEPA Thoughts on Quality, Training, and Schedules: Deputy GC for Environment and Compliance

In his capacity, since August, as Deputy General Counsel for Environment and Compliance, Kedric Payne oversees the work of the Office of NEPA Policy and Compliance and the Office of the Assistant General Counsel for Environment. Among other responsibilities, he briefs the General Counsel on requests for approval of DOE NEPA documents. The NEPA Office recently asked him to share with *LLQR* readers his insights on how we can help NEPA practitioners accomplish their goals.

**At the October NEPA Compliance Officer (NCO) web conference, you emphasized that the NCOs have an important role to play, for example, in maintaining NEPA document quality. How can we back them up?**

*We should reemphasize that the Office of the General Counsel (OGC) and NCOs share a common goal of producing NEPA documents that comply with the letter and spirit of NEPA. The OGC recognizes that NCOs face challenges maintaining NEPA document quality, while adequately addressing stakeholders' concerns and meeting decisionmakers' needs under stringent time constraints. The OGC values the expertise and judgment of the NCOs and welcomes questions, concerns, and constructive criticism that yield quality and compliant NEPA documents.*

**What do you envision as the role of training in maintaining a strong NEPA Community? What methods have you found to be successful?**

*During the recent NCO web conference, it was encouraging to see the value the NEPA Community places on sharing experiences and lessons learned. I believe training plays an essential role in supporting a culture of compliance in the NEPA Community. Training can be most effective for the staff when tailored to their specific career stages. A relatively junior NEPA staffer may benefit from training in areas that are not necessary for seasoned experts. Effective training should be concise, mandatory, and accompanied by detailed reference materials. I encourage the use of web-based training, such as podcasts and exercises, to make training more affordable and available on demand.*

**What are your views on the importance of schedules in the DOE NEPA process? Preparing a realistic schedule for an environmental impact statement (EIS) seems especially challenging. Do you have any recommendations to help with the process?**

*I agree with the OGC policy that a schedule accompany notices of intent and draft EISs. Without a schedule for completing an EIS, it is more difficult to anticipate when the Department may make its decision. Ironically, unrealistic schedules may have the same result as having no schedule at all. Schedules may become unrealistic when potential delays are not taken into account. Many NCOs have learned to expect the unexpected and build some additional time into the schedule. After developing a realistic schedule, another concern is ensuring there is sufficient time to discuss the content of the EIS. Certainly, there is no simple solution for balancing the dual concerns of high quality and timeliness, but one guiding principle is that a deadline should not detract from NEPA compliance.*

**What experiences from your previous positions can be applied to the DOE NEPA program as new approaches?**

*Actually, I have noticed approaches from the NEPA program that would have been beneficial in my previous positions, such as the open discussions about lessons learned. One approach from my prior experience that may be helpful is the use of written summaries of precedent. Many conversations during preparation of NEPA documents concern whether additional information and analyses are prudent. When dealing with similar decisions in the past, it was useful to have relevant precedent readily available. Such precedent included summaries of internal decisions and recent court cases. The NEPA program may find that compiling and widely distributing such precedent, especially recent court decisions on the sufficiency of NEPA documents, provides persuasive guidance during daily conversations.* LL

# Scoping Process

*(continued from page 1)*

- Incomplete mailing list:
  - The project mailing list did not include all landowners, tribes, and other interested parties.
  - The landowner scoping list was from the last project at this site and was out of date.
- Poor public understanding of the NEPA process:
  - Attendees did not understand what scoping is, resulting in comments that simply expressed support for or opposition to the proposal instead of identifying environmental issues and alternatives to analyze.
  - Interested members of the public did not know that scoping meetings can be an effective way to participate in the NEPA process.

## Approaches for Making It Work

Experienced NEPA Compliance Officers and the NEPA Office staff are helpful resources for NEPA practitioners.

Lessons learned in a nutshell: Include public participation in the schedule, and identify potentially interested groups at the outset. This is the first opportunity to build a transparent and amiable relationship with stakeholders that will benefit DOE later in the process.

Well-planned communication can help make scoping a valuable public participation process. This includes the key first step of identifying interested local groups and landowners to ensure that publicity is targeted to reach as many as possible. Good publicity should include: (1) project-specific details, locations, and dates; (2) an explanation of the public's opportunities to participate in the NEPA process; and (3) the purpose of scoping meetings.

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***Make sure publicity for the scoping meeting is part of a coordinated communications plan for the project. All members of the project team and all public statements, including advertising, must be consistent to avoid confusing the public.***

***– Drew Grainger, NEPA Compliance Officer, Savannah River Operations Office***

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The following are suggestions for each stage in the scoping process:

1. Before scoping begins

- Identify who on the NEPA team will coordinate stakeholder communication.
- Include information on the project schedule, not just the dates for the scoping meetings. Allow time to prepare handouts, posters, and similar materials for the meetings.
- Identify local landowners, governments, tribes, nonprofits, and other stakeholders to build a current and comprehensive mailing list. NEPAnode can assist in the collection of this information.
  - Talk to others who have recently conducted NEPA processes in the area.
  - Check the distribution lists of recent EAs and EISs in the region.
  - Work with your organization's tribal contact to ensure that the tribal contact list includes both tribal officials and the administrator who typically works on NEPA issues.
  - Do not rely on mailing lists that were prepared more than a year ago.
- Schedule scoping meetings.
  - Allow enough lead time to advertise in weekly local papers and send letters to local stakeholders.
  - Avoid religious holidays and other culturally significant dates and days of the week that would discourage attendance.

2. Involving the public

- Identify the most effective ways to reach the public in that region. Talk to people who have conducted scoping in the area and find out what worked best for them. Make sure that DOE's Office of Tribal Affairs or your organization's tribal coordinator is actively involved from the start.
- Possible places to advertise a scoping meeting include:
  - Local newspapers – These are often more widely read than the regional daily papers. Note that they are often published weekly or biweekly; schedule your publicity to catch their deadlines
  - Local government websites
  - The site's and agency's website news page and/or newsletter
  - Public service announcements at local radio stations, and
  - *Federal Register* – This is required for EISs, but don't rely on it as your sole publicity, as few members of the public read it.

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# Scoping Process

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*Bonneville Power Administration prefers to hold open-house style scoping meetings – it tends to diffuse grand standing and help foster real conversations between the public and engineers or technical specialists.*

*– Stacy Mason, NEPA Compliance Officer, Bonneville Power Administration*

- As early as possible, set up a project webpage with an easy-to-find link from the agency home page. Consider setting up a unique "NEPA" email address as well.
- Include options for people to register to receive documents and information.
- In your meeting publicity, include the following:
  - A simple explanation of scoping – Assume that some members of the public will be unfamiliar with the NEPA process. Use lay terms rather than technical or regulatory language. A "NEPA 101" poster is a good place to start a conversation with participants
  - A description of what DOE wants to do and why
  - An explanation of the kinds of comments you need from the public during the scoping phase
  - Information about later opportunities for public comment on the project
  - How to submit comments without attending the scoping meeting, and
  - A web address, if the scoping meeting will be available by webcast.

3. Scoping meetings

- Before and during the scoping meeting:
  - Make available to those attending the scoping meeting copies of "DOE, NEPA, and You: A Guide to Public Participation." Copies of this pamphlet, prepared by the NEPA Office, can be obtained on request or printed from the file on the DOE NEPA Website under Guidance & Requirements.
  - Use an optional address sheet at the entrance of the meeting room to collect mailing or email addresses for people interested in receiving project updates and/or a copy of the draft when it is available. Record names and add them to the project mailing list.
  - If you choose to take oral comments during the meeting, provide a sign-in sheet for attendees who want the opportunity to speak.
  - Use a court reporter, if possible, to obtain an accurate transcript of public comments.
  - Make a court reporter available to take oral testimony one-on-one, for those who hesitate to speak in front of crowds or neighbors who may hold different positions.
  - At the start of the meeting, explain what scoping is and what you are asking the public to comment about today. Use lay terms rather than technical or regulatory language. Describe future opportunities for public comment in the project's NEPA process.
- After the meeting:
  - Send attendees a thank-you note or email for participating in the meeting and remind them that they may continue to participate in scoping until the end of the scoping period.
  - Acknowledge receipt of email scoping comments by return email.
  - Update the project webpage and the site bulletin or newsletter frequently to show where in the NEPA process you are.

*Don't take anything personally, because when you represent the government, you are not an individual. Scoping can be challenging and rewarding as you forge positive relationships with stakeholders and build trust that will bring rewards as you get into hearings on the draft document.*

*– Linda Cohn, NEPA Compliance Officer, Nevada Field Office*

Using these shared strategies can help make scoping "work" for you in the NEPA process. Additional suggestions are welcome; please contact Ralph Barr at ralph.barr@hq.doe.gov with updates to be included in future issues or to suggest topics for future articles in this series.

# "MapWarper" Expands NEPAnode's Analytic Toolbox

**By: Brad Mehaffy, Office of NEPA Policy and Compliance**

I've been using NEPAnode since its roll out last spring (*LLQR*, March 2014, page 3). NEPAnode provides easy access to maps with all sorts of data that's essential to environmental impact analysis. Like any geographic information system (GIS), it allows layering and combining maps to help identify resources that could be affected by a proposed action.

It also does much more (*LLQR*, September 2014, page 11). One of NEPAnode's newest features is the inclusion of MapWarper. This tool, developed through funding from the New York Public Library, creates usable layers from static maps (from a pdf file or other formats). You can accurately align the maps, even if they were created in different scales, for a variety of uses. I recently used MapWarper to create several custom layers to answer questions regarding an appropriate NEPA scope and strategy.

Several years ago, DOE prepared an environmental assessment (EA) for the proposed transfer of a parcel of land. Some, but not all, of the land was transferred. DOE is now proposing to transfer some of the remaining land, as well as several new parcels that were not considered in the EA. In determining a NEPA strategy for the new proposal, one question was what land had not been evaluated in the previous NEPA review.

To answer this question, I began with a map from the EA. I also had a map showing the area that might be involved in the newly proposed transfer. It was difficult to compare the maps because they were not created at the same scale and they contained different details.

I uploaded the scanned maps into MapWarper and then converted each map into a layer that could be viewed in NEPAnode. The conversion process solves the problem of comparing maps produced at different scales. I identified control points on each map and aligned them with corresponding points on a clean map. I adjusted these until the alignment was right. The most useful control points are features like road intersections, corners of buildings, bridges, and other features with hard edges that can be identified on both the uploaded and clean maps. When done, I had separate custom layers in NEPAnode that could be overlaid on a single map for an accurate comparison. (For more detailed instructions, see the NEPAnode blog.)

I was then able to use the full suite of NEPAnode functions, including the measuring tool to identify the approximate acreage that was not evaluated in the existing EA. The layers created and viewed within MapWarper can be made available to the "public" or can be designated as "private" (i.e., viewable only by the individual creating the layer).

I found MapWarper to be an excellent tool to create custom layers from a variety of sources and scales (PowerPoint presentations, zoning maps, and other NEPA documents) so that the layers can be used to support new NEPA analyses. LL

*The following figures, from a hypothetical project, are used to show how MapWarper can be used to enhance environmental impact analysis.*

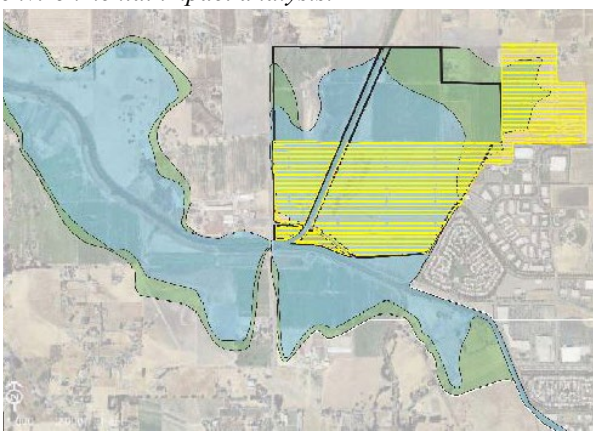

*Figure 1: A project site (yellow) map that depicts the 100 and 500 year floodplains (blue and green). The original map was on a scale of 1 inch equals 1,600 feet.*

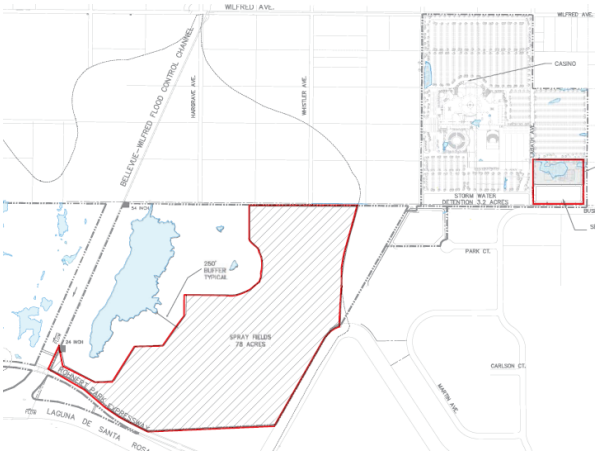

*Figure 2: A project site map that depicts two areas of special use (areas with a red border). The original map was on a scale of 1 inch equals 600 feet.*

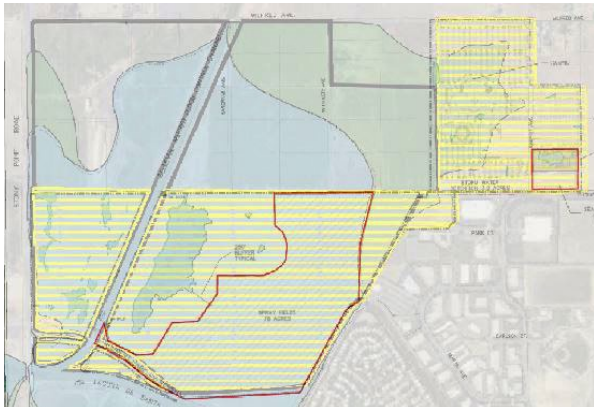

*Figure 3: After using MapWarper to rectify the maps, figures 1 and 2 were overlaid on a base map in NEPAnode to determine how much of the special use areas are within the 100 or 500 year floodplain.*

# IPCC Finalizes Fifth Climate Change Assessment Report

"Continued emission of greenhouse gases [GHGs] will cause further warming and long-lasting changes in all components of the climate system, increasing the likelihood of severe, pervasive and irreversible impacts for people and ecosystems," concludes the Intergovernmental Panel on Climate Change (IPCC)[1] in its latest climate assessment report – *Climate Change 2014: Synthesis Report* (Synthesis Report). "However, options are available to adapt to climate change and implementing stringent mitigations activities can ensure that the impacts of climate change remain within a manageable range, creating a brighter and more sustainable future," IPCC stated in a press release summarizing key findings in the Synthesis Report.[2]

IPCC's assessment reports are cited in a wide range of DOE NEPA documents. For example, many EAs and EISs have referenced past IPCC assessments in discussions of the impacts of GHGs on climate, global and regional impacts of climate change, and how climate change can be addressed. These EAs and EISs typically cited the Summary for Policymakers for the IPCC assessments, or, in some cases, the longer associated Synthesis Report. Going forward, when citing IPCC assessment reports as a reference for the analysis of GHG emissions and climate change, DOE NEPA documents should cite the IPCC Fifth Assessment Report. LL


The Synthesis Report is written in a nontechnical style suitable for policymakers. It "distils and integrates the findings of the IPCC Fifth Assessment Report produced by over 800 scientists and released over the past 13 months – the most comprehensive assessment of climate change ever undertaken," explains IPCC in its November 2, 2014, press release. In addition, IPCC also issued a shorter companion publication – a 40-page Summary for Policymakers.

> ***Many aspects of climate change and its impacts will continue for centuries, even if anthropogenic emissions of greenhouse gases are stopped. The risks of abrupt or irreversible changes increase as the magnitude of the warming increases.***
>
> ***– IPCC Fifth Assessment Synthesis Report***

*[1] The IPCC was established by the United Nations Environment Programme and the World Meteorological Organization in 1988 to assess the scientific, technical, and socioeconomic information relevant for the understanding of human-induced climate change, its potential impacts, and the options for mitigation and adaptation.*

*[2] The Fifth Assessment Report is comprised of reports from the three working groups and the Synthesis Report. (See* LLQR*, December 2013, page 8, and June 2014, page 3, regarding the summaries of the three working group reports.)*

# Transitions

## Southwestern Power Administration: Jeremy Rogers

Jeremy Rogers has been designated the NCO for the Southwestern Power Administration (SWPA). From headquarters in Tulsa, Oklahoma, SWPA markets hydroelectric power generated from 24 U.S. Army Corps of Engineers dams to Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas. When Mr. Rogers first joined SWPA in 2005, he worked in the Financial Management Division. Recently he was selected as the agency's Management Support Officer, with responsibilities for overseeing SWPA's Environmental and Safety programs. Mr. Rogers came to DOE from the Department of the Interior's Office of the Special Trustee for American Indians in Albuquerque, New Mexico. He can be reached at jeremy.rogers@swpa.gov or 918-595-6640.

### Give NEPAnode a Try

The NEPA Office encourages you to try NEPAnode. Explore the almost 300 layers and 100 maps available in NEPAnode and 420 maps in MapWarper. Examine DOE's existing NEPA documents – all searchable by location on a map of the United States. The NEPAnode website includes introductory videos and a MapWarper tutorial. If interested in using NEPAnode's new "Project Workspace" for your team to collaborate and share information and NEPAnode and MapWarper's features to support your analysis, contact John Jediny at john.jediny@hq.doe.gov.

# Asking the Right Questions for a NEPA Review: An Environmental Questionnaire for Funding Proposals

By: Lisa Jorgensen, NEPA Compliance Officer, Office of Energy Efficiency and Renewable Energy

*DOE's Office of Energy Efficiency and Renewable Energy (EERE) uses a questionnaire to obtain, from an applicant for financial assistance, the information needed for a categorical exclusion determination or for a determination that an EA or EIS is needed. In 2014, EERE revised its Environmental Questionnaire and submitted it to the Office of Management and Budget (OMB) for approval pursuant to the Paperwork Reduction Act. This article describes the process and the lessons we learned from our experience.*

EERE, through the Golden Field Office and the National Energy Technology Laboratory, provides federal funds to support research, development, demonstration, education, and outreach projects involving energy efficiency and renewable energy. EERE must determine whether a proposal qualifies for a categorical exclusion determination or should be reviewed in an EA or EIS. EERE developed its Environmental Questionnaire to allow an applicant – which may be an educational institution, nonprofit or for-profit organization, or a state, local or tribal government – to provide project-specific information needed for determining the appropriate level of NEPA review.

*EERE supports hundreds of projects involving renewable energy, such as solar photovoltaic and wind energy. (Photo: EERE)*

## Questionnaire Designed for Efficiency and Flexibility

In 2014, as part of a major initiative to streamline business processes, EERE revamped its Environmental Questionnaire. The new design consolidated a primary questionnaire and supplemental checklists, which were tailored to specific technologies and types of research, into a single questionnaire that covers all types of applicants and the entire range of projects that EERE could fund. New questions asked whether the proposed project would involve genetically engineered organisms, nanoscale materials or technology, or activities in aquatic environments. This consolidation and expansion streamlined the processing of applications by the EERE NEPA staff.

The process also became more efficient for applicants. EERE received many funding applications for projects that were not defined well enough to have specific answers to environmental questions. Now the Environmental Questionnaire is provided to applicants selected for award negotiation, after initial screening by EERE that the proposal is fully specified and meets the funding requirements. (The environmental information is not used to determine eligibility.)

**Improved information:** A major challenge facing the EERE NEPA staff has been to collect adequate project-specific information for NEPA reviews, especially for proposed projects that would take place off of DOE property. With the earlier checklists, broad questions typically yielded vague responses; the NEPA staff often had to request clarifications and additional information from the applicant. The new Environmental Questionnaire includes definitions to reduce ambiguity and provides examples of responses to indicate the scope and level of detail sought, which has greatly reduced the follow-up requests.

**Focused questions:** An applicant must answer only the relevant questions.

For projects that are limited to activities that normally fit a categorical exclusion listed in Appendix A to Subpart D of the DOE NEPA regulations, the applicant faces just three questions: to briefly summarize the proposal, identify any other federal government involvement, and state whether the proposal is limited to intellectual, academic, and analytical activities.

If the proposed project involves any physical experiments, prototypes, pilot-scale projects, demonstration projects, field tests, land-disturbing activities, or construction, the applicant must respond to up to 12 additional questions. These questions address the locations, types and scale of activities; air emissions, water effluent, and solid wastes generated; the involvement or proximity of sensitive environmental resources; potential impacts to community infrastructure and services; and other factors relevant to identifying potential environmental impacts. Each

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# Environmental Questionnaire

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"yes" answer requires the applicant to provide additional information.

The questions probe for extraordinary circumstances, such as scientific controversy about the environmental effects of the proposal, uncertain effects, or effects involving unique or unknown risks. If a response identifies known or potential health and safety hazards to workers or the public, the applicant must also describe mitigation measures.

**Online submittal:** An applicant completes and submits the Environmental Questionnaire online, with responses entered directly into EERE's Project Management Database. This allows for organized electronic routing and review. A Project Officer (a non-environmental staff member who works with the applicant and monitors the project) completes an "Environmental Questionnaire Verification Checklist" to review the submittal for completeness and accuracy. At that point, a NEPA staff member compares the Environmental Questionnaire responses against other project documents, completes a NEPA determination form, and forwards it to a NEPA Compliance Officer.

Before finalizing the new Environmental Questionnaire, the EERE NEPA staff requested EERE's Bioenergy Technologies Office to conduct a pilot test, which revealed that some questions needed more specificity to avoid ambiguous responses. After successful pilot testing, EERE submitted the Environmental Questionnaire to OMB for approval.

***Pilot testing was instrumental in getting the questions right. The perspective of a first-time reader can be quite different from a staff member who works with such questions every day.***

## Paperwork Reduction Act Compliance

The Paperwork Reduction Act (44 U.S.C. § 3501-3521) is intended to minimize the paperwork burden for individuals, small businesses, and other institutions from the collection of information by or for a government agency.

The Act generally provides that a federal agency must obtain OMB approval before using identical questions (for example, in surveys, applications, questionnaires, web forms, and reports) to collect information from 10 or more persons. In short, the agency prepares an Information Collection Request that describes the information to be collected, gives the reason the information is needed, and estimates the time and cost for the public to answer the request. After reviewing the request, OMB may approve or disapprove, or define conditions that must be met for approval. Once obtained, OMB approval must be renewed every 3 years.

EERE published a *Federal Register* notice (79 FR 8445; February 12, 2014) inviting public comment on the proposed information collection, including ways to improve the questionnaire and minimize the burden of responding. After receiving no comments during the 60-day review period, EERE submitted its Information Collection Request to OMB and issued a second notice (79 FR 34519; June 17, 2014) that announced the beginning of OMB review and a 30-day public comment opportunity. DOE received no comments during the 30-day comment opportunity and OMB approved the Environmental Questionnaire on August 13, 2014, with minimal changes.

## Lessons Learned from the OMB Review

Several lessons from our experience may be useful for others to consider:

- Before using a survey or questionnaire to gather information, contact your program's Information Collection Clearance Manager (ICCM) to determine the applicability of the Paperwork Reduction Act. The ICCM works directly with the DOE Paperwork Reduction Act Officer (informationcollection@hq.doe.gov) to complete the request for OMB review.
- Your office's Records Management Officer must determine whether a System of Records Notice (SORN) is required for information that will be collected. Also, determine whether a DOE Form number is needed.
- The information-gathering instrument should be tested on a voluntary basis in its proposed final version, before seeking OMB approval.

The EERE Environmental Questionnaire is available on EERE's webpage for applicants, "NEPA Compliance Information & Submissions." For more information, contact me at lisa.jorgensen@ee.doe.gov or 720-356-1569.

# Envisioning a Better Environment: A Sustainability Rating System for NEPA Practitioners

By: Martin Krentz, NEPA Compliance Officer, West Valley Demonstration Project

*NEPA Office staff participating in an interagency work group to improve the permitting and review of infrastructure projects learned of a sustainable infrastructure rating system that uses a questionnaire with many similarities to environmental questionnaires used in the NEPA process. To understand whether the system might be of value to NEPA practitioners, we asked Martin Krentz, during an assignment to the NEPA Office in September and October 2014, to evaluate the system from the perspective of a field NEPA Compliance Officer (NCO). His report below includes material presented to NCOs during a web conference in October.*

In the United States, we currently enjoy a high quality of life by consuming material and natural resources at a rate that undermines the ability of future generations to sustain this same level of consumption. DOE's policy is to integrate NEPA with program and project planning. NEPA requires that planning and decisions consider the potential environmental impacts of proposed actions and means to mitigate such impacts, rather than justifying decisions after the fact and trying to remediate adverse impacts. I believe that NCOs can improve the NEPA process by assisting in the development of "greener," more sustainable alternatives using the Envision™[1] checklist as a tool to prompt consideration of the principles of sustainability early in the process. The development of more sustainable alternatives aligns with the purpose of NEPA by encouraging "productive and enjoyable harmony between man and his environment" and by promoting "efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man" (NEPA, 42 U.S.C. § 4321, Section 2).

Envision™ is a rating system that assesses the sustainability of infrastructure across five categories: Quality of Life, Leadership, Natural World, Resource Allocation, and Climate and Risk. The system assigns up to 60 "credits" for achievements that contribute to positive social, economic, and environmental impacts in a community from the planning, design and construction of infrastructure projects. Envision™ is a decisionmaking guide for improving the sustainability performance of infrastructure projects based on metrics of improvement that exceed a baseline of regulatory compliance.

## Checklist Estimates Sustainability Performance

The intent of the Envision™ Checklist, as described by ISI, is to provide a rough estimate of a project's achievement in sustainable performance. The Envision™ Checklist is structured as a series of yes/no questions based on a rating system for five categories and

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| ENERGY | WATER | WASTE | TRANSPORTATION | LANDSCAPE | COMMUNICATIONS | SITES |
|---|---|---|---|---|---|---|
| Transmission | Treatment | Solid waste | Airports | Public Space | Telecommunication | Complexes |
| Geothermal | Capture/Storage | Recycling | Roads | Parks | Broadband | Communities |
| Hydro | Water Reuse | Hazardous | Highways | Ecosystem | Spectrum | Business Parks |
| Nuclear | Storm Water | Waste | Bikeways | Management | Data Centers | |
| Coal | Flood Control | Collection | Pedestrians | Land Transfer | Antennas/Towers | |
| Natural Gas | Desalination | Waste Transfer | Railways | | | |
| Oil/Refinery | | | Public Transit | | | |
| Wind | | | Ports | | | |
| Solar | | | Waterways | | | |
| Biomass | | | | | | |

*The Envision™ rating system may be applied to a wide range of DOE proposed actions, such as the types of infrastructure projects illustrated here. Source: ISI*

*[1] Envision™ is the product of a joint collaboration between the Zofnass Program for Sustainable Infrastructure at the Harvard University Graduate School of Design and the Institute for Sustainable Infrastructure (ISI). ISI was founded by three national engineering associations: the American Society of Civil Engineers, the American Council of Engineering Companies, and the American Public Works Association. ISI supports a credentialing program for Envision™ Sustainability Professionals trained in the use of Envision™. There are currently over 2,400 trained professionals predominantly in the United States and Canada. For more information on the Envision™ rating system, visit the Envision™ website.*

# Envision

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14 subcategories. Each credit has one to six questions to help determine if the project meets the intent for that credit. The questions can be answered as yes, no, or not applicable. A high percentage of "yes" answers indicates that the project is relatively sustainable. A high percentage of "no" answers indicates that the project tends to follow conventional practices and there may be ways to improve the sustainability of the project. For a more in-depth assessment, a project can use the Envision™ sustainable infrastructure rating system, which is available on the ISI website.

## Case Study

Recently, I had the opportunity to tour a site for which an EIS had previously been completed and apply the Envision™ checklist to the proposed action. In addition to serving as a case study for my evaluation of the rating system, the purpose of this review was to determine to what degree the principles of sustainability were incorporated into the alternatives for the proposed action and identify potential opportunities for improvement. I found that while the project team had incorporated many aspects of sustainability in their NEPA process and subsequently into the design of the alternatives, additional opportunities to incorporate sustainability could be identified using the checklist as a "brain-storming tool."

Based on my experience, although training on the Envision™ Rating System is not necessary to use the checklist, I suggest using the Guidance Manual (available upon registering for an account) for clarification and interpretation of the checklist questions. The Guidance Manual describes each credit's intent, metric, levels of achievement (with explanation of how to advance to a higher achievement level), evaluation criteria and documentation, sources, and related credits. The checklist is a quick and easy-to-use tool. I was able to get through the questions in less than 4 hours.

## Broad Applicability

Although intended to apply to infrastructure projects, I concluded that the rating system could apply broadly to many other types of projects, and could add value to NEPA reviews for a wide range of DOE proposed actions. The potential benefits of using Envision™ include:

- Incentivizing the attainment of sustainability beyond existing requirements
- Refocusing the project team using a consistent approach to assess and evaluate progress
- Improving the NEPA process by focusing on decisionmaking instead of documentation, and
- Engaging the principles of sustainability early in the NEPA process to influence the project's scope, design, and alternatives.

## Free Training

ISI will provide DOE NEPA practitioners full access to the required training and examination to become an Envision™ Sustainability Professional at no cost to you or your office. If you are interested in this opportunity, register for an account using your DOE email address. For assistance with this process, contact John Jediny at john.jediny@hq.doe.gov.

While anyone may use Envision™ for their project, an Envision™ Sustainability Professional must be involved for projects to be verified or be eligible for a project award and certification. Such certification, which is not essential to gain the benefits of applying the checklist, requires third-party evaluation by a qualified expert contracted by ISI, and involves a substantial fee. (See the ISI website for details.)

If you have questions or want further information about the sustainability rating system, please contact me at martin.krentz@wv.doe.gov.

# EAs and EISs Completed July 1 to September 30, 2014

## EAs[1]

**Bonneville Power Administration**
DOE/EA-1937 (8/1/14)
*Pacific Direct Current Intertie Upgrade*, Crook, Deschutes, Lake, and Wasco Counties, Oregon
Cost: $5,100,000[2]
Time: 24 months

DOE/EA-1969 (7/1/14)
*Clark Fork River Delta Restoration Project*, Bonner County, Idaho
The cost for this EA was paid by the applicant; therefore, cost information does not apply to DOE.
Time: 12 months

**Idaho Operations Office/Office of Nuclear Energy**
DOE/EA-1984 (9/3/14)
*Disposition of Five Signature Properties at Idaho National Laboratory*, Idaho
EA was prepared in-house; therefore cost data are not applicable.
Time: 9 months

**National Energy Technology Laboratory/ Office of Fossil Energy**
DOE/EA-1616-S1 (8/1/14)
*National Carbon Capture Center Project at Southern Company Services' Power Systems Development Facility*, Wilsonville, Alabama
Cost: $18,000
Time: 4 months

**Stanford Linear Accelerator Center Site Office/ Office of Science**
DOE/EA-1975 (7/31/14)
*LINAC Coherent Light Source-II*, Menlo Park, California
Cost: $110,000
Time: 9 months

## EISs

**Office of Electricity Delivery and Energy Reliability**
DOE/EIS-0447 (79 FR 48140, 8/15/14)
(Draft EIS EPA Rating: EC-2)
*Champlain Hudson Power Express Transmission Line Project*, Connecticut and New York
The cost for this EIS was paid by the applicant; therefore, cost information does not apply to DOE.
Time: 50 months

**Office of Fossil Energy**
DOE/EIS-0488 (79 FR 48140, 8/15/14)
(Draft EIS EPA Rating: EC-2)
*Cameron Liquefaction Project*, Cameron Parish, Louisiana
EIS was adopted; therefore cost and time data are not applicable to DOE; Federal Energy Regulatory Commission was the lead agency; DOE was a cooperating agency.

**ENVIRONMENTAL PROTECTION AGENCY (EPA) RATING DEFINITIONS**

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

**Adequacy of the EIS**
Category 1 – Adequate
Category 2 – Insufficient Information
Category 3 – Inadequate
(For a full explanation of these definitions, see the EPA website at *www.epa.gov/compliance/nepa/comments/ratings.html*.)

[1] *EA and finding of no significant impact (FONSI) issuance dates are the same unless otherwise indicated.*
[2] *The cost for this EA includes extensive surveys needed for compliance with the National Historic Preservation Act.*

# NEPA Document Cost and Time Facts[1]

## EA Cost and Completion Times

- For this quarter, the median cost for the preparation of 3 EAs for which cost data were applicable was $110,000; the average was $1,740,000.
- For this quarter, the median completion time for 5 EAs for which time data were applicable was 9 months; the average was 12 months.
- Cumulatively, for the 12 months that ended September 30, 2014, the median cost for the preparation of 12 EAs for which cost data were applicable was $205,000; the average was $714,000.
- Cumulatively, for the 12 months that ended September 30, 2014, the median completion time for 15 EAs for which time data were applicable was 19 months; the average was 22 months.

## EIS Cost and Completion Times

- There were no EISs completed during this quarter for which cost data were applicable.
- For this quarter, the completion time for 1 EIS for which time data were applicable was 50 months.
- Cumulatively, for the 12 months that ended September 30, 2014, the median cost for the preparation of 3 EISs for which cost data were applicable was $1,980,000; the average was $1,690,000.
- Cumulatively, for the 12 months that ended September 30, 2014, the median completion time for 5 EISs for which time data were applicable was 31 months; the average was 32 months.

[1] *For EAs, completion time is measured from EA determination to final EA issuance; for EISs, completion time is measured from the* Federal Register *notice of intent to the EPA notice of availability of the final EIS.*

# New NEPA Annual Planning Summary Template

The NEPA Office has finalized the template and user's guide (instructions) to be used in preparing the 2015 NEPA Annual Planning Summaries (APSs). (See *LLQR*, September 2014, page 19.) We appreciate the feedback and recommendations received from NEPA Compliance Officers, and in response, we added some new features (e.g., an "Other" category to the template's dropdown menu for "Type of NEPA Review"). We also provided additional information in the new user's guide (e.g., guidelines for determining the appropriate data to report).

An expanded user's guide has also been prepared to provide detailed assistance for those with more complex reporting requirements such as financial assistance projects. These changes will be reflected in the final template and user's guide that the NEPA Office will distribute early this month.

Per DOE Order 451.1B, *NEPA Compliance Program*, Secretarial Officers and Heads of Field Organizations are responsible for annually submitting APSs to the General Counsel by January 31. Preparation of these Summaries helps ensure that NEPA activities are aligned with program priorities and that resources are allocated to enable timely completion of NEPA documents. APSs are made available to the public on the DOE NEPA Website. For additional information, contact Ralph Barr at ralph.barr@hq.doe.gov.

# 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

- *Early involvement*. NEPA was always on the critical path given the desired project construction schedule, but early involvement of the NEPA team in project scoping minimized the risk of the NEPA process negatively impacting the project schedule.
- *Amended EA*. This was an amended EA. The scope, mission, permits, and location remained the same with no significant changes to the ongoing research facility operations. Consequently, this amended EA had no new scope or mission to address.
- *Effective meeting notification*. Scoping included inviting the public to attend public meetings via letters to interested parties, county constituents, and adjacent landowners. We also placed ads in multiple local papers and on the radio, posted information on webpages, and distributed fliers at local businesses well in advance of the meetings.

### What Didn't Work

- *Large project area*. The project area was very large and very sparsely populated with the exception of a few population centers. It was challenging to schedule scoping meetings that didn't require interested landowners to travel for a couple of hours.
- *Resource-intensive surveys*. More time spent in evaluating the scope of the project could have been effective in saving time and money on surveys.
- *Changing proposed action*. The proposed action was not clearly defined initially, and changed multiple times throughout the NEPA process. This required multiple reviews by all stakeholders.

## Data Collection/Analysis

### What Worked

- *Use of established methodology*. The use of established methodology from other successfully completed EAs was effective.
- *Potential to use excess data*. More data were collected than needed. However, the information collected will be useful for future projects that could occur in the current project area.
- *Great analytical data*. A lot of good information on cultural and paleontological resources was gathered that helped inform construction best management practices to reduce environmental impacts.
- *Most data readily available*. The various resource impact analyses presented in this EA were mostly supported by data from an existing EA.
- *Coordinating area access*. Data collection had some challenges due to the project's unique geographic location which is impacted by the annual fluctuation of a dam controlled lake. Careful coordination to access the project area was required because not all of the project area is accessible at all times of the year.

### What Didn't Work

- *Section 106 data collection time*. The sheer quantity of cultural resources present along a 265-mile line and consultation with 10 tribes, the state, and 2 federal agencies made the Section 106 consultation (and preparation of a programmatic agreement) time consuming, delaying completion of the EA.
- *Difficulty managing data*. The volume of survey data generated from 265 miles of transmission line right-of-way plus access roads was difficult to manage. In hindsight, more data were collected than

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

was necessary for a thorough analysis in the EA given the scope of the final proposed action. Surveys could have been better limited to anticipated areas of project disturbance.

- *Difficulty obtaining data*. We did not anticipate the lengthy time required to get data from contractors.

## Schedule

### Factors that Facilitated Timely Completion of Documents

- *Accounting for field surveys in schedule*. Establishing a detailed schedule with the EA contractor, that included time needed for field surveys, facilitated timely completion of the EA.
- *Realistic schedule*. Monthly communication among program, Headquarters, and contractor staff to ensure a realistic schedule facilitated timely completion of the EA.
- *Knowledgeable project manager*. Regular communication with the project manager, who was very knowledgeable of the NEPA process, provided information needed to complete the EA in a timely manner.

### Factors that Inhibited Timely Completion of Documents

- *Tribal consultations*. The completion of consultations with multiple Indian tribes took longer than anticipated.
- *Staff availability*. It was difficult to resolve internal work prioritization issues to make sure staff were available when needed.
- *Different agency processes*. Coordination between two federal agencies, whose processes differed, had a negative impact on the document preparation schedule.
- *Lack of effective schedule*. At the outset, there was pressure from external parties to complete the NEPA process in a very short time frame (less than 6 months), so an initial challenge was educating these parties about the NEPA process and setting effective expectations about the schedule.
- *Coordinating with many entities*. There were three federal agencies involved on the project team, as well as one state agency, a private entity, and multiple tribes, all of whom had a vested interest in the project and the outcome of the NEPA process. Coordinating and communicating with a large number of entities had its challenges - each organization had its specific goals and ideas about the NEPA process and the project itself, and staff had varying levels of familiarity with the NEPA process, so coming to consensus on decisions took a significant amount of effort.
- *Limited staff*. Limited staff were available to work on the project due to competing projects' workload.

## Teamwork

### Factors that Facilitated Effective Teamwork

- *Regular meetings*. Monthly team meetings and regular e-mail communication helped keep everyone informed on EA schedule and milestones.
- *Management prioritized project*. The management team prioritized this project and provided significant incentives to meet specified goals.
- *Good coordination*. There was regular and clear communication with the project team including weekly status updates in the form of email and monthly conference calls.
- *NEPA expertise*. The NEPA expertise represented by project team members contributed to the success of keeping the EA production on schedule.
- *Good communication*. Communication was very important. Weekly conference calls to check in on status, a collaborative teamwork approach to the project, regular and frequent communication via phone and email helped facilitate effective working relationships.
- *Review queue*. NEPA Compliance Officers and DOE attorneys requested feedback on anticipated review timelines for the EA. There was an established review queue, and the NCOs and attorneys sent out a quarterly email to document managers asking us to schedule when we expect to need them to review the EA.

### Factors that Inhibited Effective Teamwork

- *Internal communication*. Communication between internal departments was ineffective. Sharing of pertinent project information is very important in the preparation of a quality EA.

*(continued on next page)*

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

- *Difficulty obtaining approvals*. We did not anticipate the lengthy time required to get approval from Headquarters to release the EA for public review.
- *Data quality and timelines*. Lack of the EA contractor's efforts to provide timely and good quality data in a format that can be referenced inhibited effective teamwork.

## Process

### Successful Aspects of the Public Participation Process

- *Use of tools to share project information*. Project mailings and the project website were useful tools for sharing project information.
- *Little public concern*. The project was considered as essentially a large maintenance project replacing equipment on existing structures; therefore, the public expressed little concern through the project website or written comments.

### Unsuccessful Aspects of the Public Participation Process

- *Lack of tribal involvement*. Under Section 106, we consulted with 10 tribes, but received involvement from only four.
- *Minimal public participation*. This project had gone through the EA process three times with resulting findings of no significant impact. This may be why there was so little interest in yet another EA on the same facility and project. Comments from only one state agency and one federal agency were received.
- *Little public interest*. There was very little interest in the EA project, even with articles in two newspapers.

## Usefulness

### Agency Planning and Decisionmaking: What Worked

- *Integrated the NEPA process*. We integrated the NEPA process with the Section 106 process. Mitigations were developed in coordination with the State Historic Preservation Office and the Advisory Council on Historic Preservation.
- *Selection of best alternative*. The EA process benefitted the project because it made those individuals designing the project consider alternative ways to implement the project. The public comment process brought to light some potential issues related to the possibility of contaminated sediments in the delta, so additional testing was conducted. This identified areas of contamination, so the decision was made to modify the design to avoid impacting those areas.

## Enhancement/Protection of the Environment

- *Wildlife habitat protection*. Long term or permanent impacts to sage brush habitat were mitigated; we were able to limit the area of disturbance for construction impacts to the minimum needed for safe construction.
- *Mitigation of environmental impacts*. The purpose of the project is to reduce erosion and restore fish and wildlife habitat in the delta. The NEPA process contributed to ensuring this objective would be achieved in an environmentally responsible way.

## 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 EA questionnaire responses were received, 2 respondents rated the NEPA process as "effective."

- A respondent who rated the process as "5" stated that the NEPA process facilitated the preparation of three amended EAs for planning purposes.
- A respondent who rated the process as "3" stated that this project was ultimately a large-scale maintenance project, and much of the area had been disturbed by the construction of a line 40 years ago and its ongoing maintenance.
- A respondent who rated the process as "2" stated that the NEPA preliminary decisions for this project were in conjunction with other agencies that have some authority over the results of the project.
- A respondent who rated the process as "0" stated that it definitely felt like the NEPA process was just another regulatory hurdle to get through, requiring the project team to back track through progress they had made.