

LESSONS LEARNED

Selected Articles on Managing the NEPA Process

DOE NEPA *Lessons Learned Quarterly Report (LLQR)* was published by the Office of NEPA Policy and Compliance (GC-54) from 1994 through 2017. Its scope included NEPA review status and metrics, regulatory updates, and recommendations from practitioners both within and external to the DOE NEPA Community.

The articles in this collection were selected for their potential usefulness to the NEPA Document Manager. Questions may be addressed to asknepa@hq.doe.gov.

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Eating the NEPA Elephant

By: Cliff Whyte, Director, Environmental Compliance Division
National Energy Technology Laboratory

Managing the NEPA process can be a daunting task. Large EISs can seem particularly ominous, especially when they involve controversial or high profile activities. How can I facilitate a process that requires balancing schedule, data needs, cost, public input, project revisions, meaningful analyses, tribal interests, management reviews, needs of other federal agencies, local politics, applicant constraints, and a host of other factors? NEPA Document Managers can feel like they are trying to eat the proverbial elephant.

Challenging times are great teachers, and when the dust begins to settle, we have a chance to examine the “chutes and ladders” of the NEPA process. Besides, in the words of Henry Drummond, “Unless a man undertakes more than he possibly can do, he will never do all that he can.” The National Energy Technology Laboratory (NETL) has been concurrently managing four EISs that came to critical stages during the first half of 2013. The NEPA reviews for these clean coal projects, in addition to the continuing EA and categorical exclusion work, affectionately became known at NETL as “NEPA-geddon.”

NETL’s Environmental Compliance Division managed to eat this elephant by taking one bite at a time. We found that some bites required more chewing than others and some bites required copious amounts of seasoning to be palatable at all. Survival during this time was largely tied to the appropriate mindset.

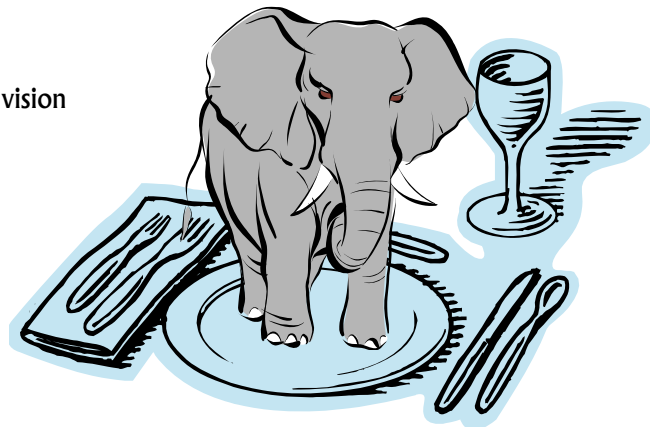
We don’t get paid to produce documents. We get paid to think, communicate, and act. You might want to read the previous two sentences again.

– Cliff Whyte

As NEPA practitioners know, NEPA is not a checklist, stack of documents, or recipe in a cookbook. Each project and the people associated with it are unique. Finding the most efficient path that leads to fair and reasonable implementation of both the letter and spirit of the law requires thought and creativity. That mindset, above all else, has been a great asset for NETL during NEPA-geddon.

Following are some thoughts that relate to managing the NEPA process.

Federal Project Managers – Meet your new best friends. Federal Project Managers are experts on the technologies and programs at the core of the project. Have them explain the technologies to you early and often, or provide someone who can. The better you understand their work, the more effective you can be. Also, when you explain the NEPA process and they begin to hyperventilate, please let



them know that you are the NEPA expert and you don’t expect them to become one.

NEPA Contractors – We are going fast, but where are we going? Even the best NEPA contractor can’t be effective without clear direction. Be realistic and honest about the challenges. Resist the urge to micromanage and let their expertise work for you. While it is critical to stay informed and in touch, you don’t want them spending 50 percent of their time preparing for status phone calls with you. Contractors with DOE NEPA experience generally know the game well. We all have pet peeves and preferences. Don’t be afraid to express what yours are early on. Adjust the frequency of meetings and conference calls as the project evolves. If meetings are not productive, it is your job to figure out why and correct it.

Today’s Project – The same as tomorrow’s project . . . we hope. Be certain to explain early in the process how design changes will impact the NEPA schedule. You should repeat this often and use examples to make your point. Participants may not consider potential issues like the need for seasonal field work for cultural resources, endangered species, or critical habitat when they change the footprint of the project. They need to make informed decisions the same way we do. They must understand what kinds of project changes would likely cause the NEPA Document Manager to reach for a glycerin pill.

Public Meetings – Faces and names. Make an effort to speak with everyone who attends. Remember that you are the host and try to personally greet and introduce yourself as people arrive. Spend the most time with those who are opposed to the project and listen. Introduce them to the project experts who would best be able to answer their particular questions. You certainly won’t make everyone happy, but many people will appreciate your investment of time in their thoughts and concerns.

Critical Resources – My time is important, too. In most cases, there will be a handful of resource areas that are most likely to be controversial, high profile, or sensitive. Identify those and write them on the front of your notebook or file. While you must be sure all relevant

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Eating the NEPA Elephant

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resources are addressed, you should maintain focus on what is most important. Resist the temptation to spend the most time on the topics that interest you. We tend to manage what we know. Invest time in what is most important to the success of the NEPA process. If you need subject matter expertise, it is generally close at hand. Ask for help when you need it!

Reviewing the Reviewers – Focus each reviewer on what your expectation is for them. Too often we tend to throw a document on someone’s desk and say, “I need your comments by the end of the week.” Instead, spend a few minutes talking about what you are looking for in their review. For instance, you might tell the Federal Project Manager that you want them to critically review the proposed action and affected environment. While you will take any comments they can give you, they should focus on certain critical chapters or sections. Likewise, you may ask other reviewers to focus on format and readability. Your administrative assistant may not be able to point out errors in the integrated gasification combined cycle power plant description, but they can likely tell you very quickly that you have used six different verb tenses in the first paragraph, or that the text is too heavy in technical jargon to make any sense.

Comments About Comments – Not all comments should be treated as the Dead Sea Scrolls. Read all comments and spend some time considering them. Ask questions of the source, if necessary. Comments such as “this needs more” are not generally helpful. Ask reviewers to make edits in “track changes” in the document, but to keep a separate page of general thoughts. For instance, a grammatical change can quickly be made in the document via track changes. A separate comment might be that the Summary



Cliff Whyte speaks at the FutureGen 2.0 draft EIS hearing in Jacksonville, Illinois. FutureGen 2.0 was one of the major NEPA projects that Mr. Whyte and the team at NETL managed in bite-size chunks. Photo courtesy of FutureGen Industrial Alliance.

doesn’t provide enough detail about why certain impacts are significant. This facilitates quick basic editing and the ability to provide separate comments to the appropriate sources without them getting lost in a sea of other comments. Some comments and suggestions are not worth pursuing. Mindlessly accepting everyone else’s revisions might create more problems than it solves. Consider the source’s area of expertise and remember that your name is on this document when it gets published.

Schedules – Here is a schedule for the schedule. In some cases, it may be appropriate to consider incremental NEPA schedules. It is impossible to predict the nature and volume of the comments you are going to receive during scoping and during the draft process. As you must consider those in the next phase of the NEPA process, you may hesitate to give firm dates for milestones too far in advance. When you do project schedules, be realistic. Consider the variables and be reasonable. Projecting two weeks for someone to review an EIS may be aggressive. If those two weeks coincide with Christmas and New Year’s Day, you will not be getting many “Happy Holidays” from reviewers. Caveat your schedules to reflect variables such as anticipated public comments and the controversial nature of some projects. Schedules can and will change, but set the bar of expectations appropriately from the beginning and be flexible.

Manage the People and the Project Will Follow – While we must plan our work and then work our plan, we must also realize that our NEPA process is the culmination of the work of many people. Much of it is out of our control. That means success is tied to interaction with others. Focus on the people. Provide advanced notice whenever you can and do so via the telephone. A phone call holds more value than a global email. Keep communications professional, brief, and direct. Be certain you value the time of others. Promptly return phone calls and let people know when you are going to be out of the office.

In summary, it is our ability to think, communicate, and act that has the most significant impact on the NEPA process (pun intended). Every project is different and we need to accept that to be successful. The most effective tool we have is the grey matter between our ears. Speaking thereof, I should wrap this up as I’m sure you need to attend to your own elephant. **Bon appétit!** ☐☐

Editor’s note: The NEPA Office thanks Cliff for his practical and humorous advice, as well as for the hard work he and others at NETL do to implement a successful NEPA program. NETL’s NEPA workload, which increased significantly as it provided support for several major Recovery Act projects, has remained high during the concurrent preparation of four EISs for clean coal technology projects, including a draft EIS for the proposed FutureGen 2.0 project. The Environmental Protection Agency (EPA) gave that draft EIS an LO (Lack of Objections) rating, something fewer than 20 percent of EISs receive. (See the table of EPA ratings on page 18.)



Document Quality Begins and Ends with DOE

“Although contractors may assist in the Department’s NEPA implementation, the legal obligation to comply with NEPA belongs to DOE,” said John Weckerle, NCO, National Nuclear Security Administration (NNSA), quoting a key provision of DOE Order 451.1B, *NEPA Compliance Program*. In a presentation on *Managing the NEPA Process: Document Quality and the Role of the Contractor*, prepared with Jane Summerson, NNSA NCO and Director, Division of FOIA, Privacy Act, and NEPA, Mr. Weckerle reminded NCOs that the NEPA Document Manager, with support from the NCO, is responsible for document quality. “The role of the contractor is not to run the [NEPA] project, it’s not to scope it for you,” he said. “Letting [the contractor] know what the expectations are in terms of quality is extremely important.”

Start Early To Ensure Quality

When does quality begin? Early in the process, Mr. Weckerle stated. “Quality begins as soon as the proposal can be defined and always before initiating a procurement for contract services,” he said. Starting early is also key to managing contractor performance, he said. Mr. Weckerle encouraged NCOs to start managing contractor performance before preparing the solicitation. Before bringing the contractor on board, conduct early internal (federal only) scoping – including the NCO, NEPA Document Manager, project personnel, counsel, and other involved parties, he said. In addition, prior to the start of the contract, the document team should undertake the following tasks:

- Develop the purpose and need and a list of reasonable alternatives
- Develop an initial list of key environmental parameters likely to be affected
- Identify appropriate methodologies for analysis
- Create a preliminary list of connected actions
- Create an annotated outline for the NEPA document

Starting NEPA early in the planning process helps take NEPA off the critical path. Addressing quality early in the NEPA process helps keep NEPA off the critical path.

– John Weckerle

Mr. Weckerle recounted a situation where, before DOE had conducted internal scoping for the NEPA document, a contractor had already put together an annotated outline and started to draft the document. “It’s our responsibility to manage the NEPA process. Allowing contractors to do that, at best, is allowing someone unfamiliar with our needs to decide what we need. Do your internal scoping first, before you start writing contract documents,” he advised.

Build Quality into Your Performance Work Statement or Statement of Work

“Our relationship with the contractor begins with the solicitation. We have to put together a Performance Work Statement (PWS) or Statement of Work (SOW),”¹ said Mr. Weckerle. He highlighted the role of the PWS or SOW in managing contractor performance. Mr. Weckerle described key elements of the PWS or SOW and advised NCOs to ensure that the PWS or SOW:

- Requires the contractor to submit its Quality Assurance Plan
- Includes document quality requirements (e.g., is free of errors, omissions, and inconsistencies)
- Requires the contractor to provide qualifications of key personnel, including quality assurance (QA) and technical editing personnel
- Requires thorough QA (technical and editorial) for all deliverables
- Requires including all calculation packages, modeling outputs/results, etc., with preliminary draft deliverables
- Includes penalties (take-backs) for nonperformance
- Requires no-cost rework associated with inadequate quality
- Provides for incentives, as appropriate
- Includes “contract remedies” language for multiple instances of nonperformance (e.g., rework, even termination of the contract, if appropriate)

Without these elements, DOE is likely to pay for a lot of rework and encounter schedule delays, cautioned Mr. Weckerle.

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¹ In simplest terms, a conventional SOW establishes what is to be done and how it is to be done; a PWS establishes outcomes or results, along with a method of assessing contractor performance with respect to measurable standards.



NEPA Document Quality *(continued from previous page)*

Monitor and Report Contractor Performance


Once the PWS or the SOW is in place, Mr. Weckerle asked, “Now what do we have to do?” He recommended developing a Quality Assurance Surveillance Plan to describe how DOE is going to monitor and report the contractor’s performance. “You should be watching this on a regular basis. ... Enforce all provisions of the SOW/PWS and do it right away. ... Don’t wait until problems have stacked up,” he said. “You want to encourage positive performance. If you ignore the problems, if you don’t enforce these provisions, the contractor is not going to pay attention to them.”

Mr. Weckerle highlighted steps that NEPA Document Managers should take to “lay the groundwork for any [contract] remedies” that may need to be put in place. He encouraged NEPA Document Managers to work closely with the Contracting Officer (CO) and Contracting Officer’s Representative (COR) and engage with them as soon as performance issues arise. Further, “ensure that contractor performance is documented in CPARS [DOE’s Contractor Performance Assessment Reporting System],” he said. Mr. Weckerle recommended that NEPA Document Managers and NCOs take COR training. “It’s helpful to know what your options are in terms of making sure that the contract moves smoothly along,” he explained.

Jane Summerson reminded NCOs that “It’s the NEPA Document Manager’s name on the [NEPA] document, not the contractor; if we get litigated, it is the NEPA Document Manager that will sign the administrative record. ... The NEPA Document Manager should know everything that’s in [the administrative record], be sure it is complete and be able to respond to questions.” Mr. Weckerle identified the elements of document quality (below). NEPA Document Managers should “thoroughly review all deliverables, even ‘minor’ revisions,” Mr. Weckerle said. Even seemingly trivial changes, if not implemented correctly and consistently, can result in big problems, he said.

Every single version, every time you get a draft from your contractor, it’s important to go through it with a fine tooth comb.

– John Weckerle

“Sometimes when I get a document for approval review, I ask, ‘Am I the first person to have read this?’ I strongly encourage you to carefully read the document that you send forward for approval. It’s an essential component of the quality that John has been talking about today,” added Carol Borgstrom, Director, Office of NEPA Policy and Compliance. 

What constitutes document quality?

- Document is internally consistent – consistent use of values among figures, tables, and text; consistency between chapters
- Document speaks with ONE voice
- Document is free of technical/editorial errors and inconsistencies
- Content and level of detail are appropriate
- Calculations and modeling results are supported
- Document is written to be understood by the public
- Graphics are of professional quality and contain appropriate information
- Document is Section 508 compliant ²

² Section 508 of the Rehabilitation Act of 1973 was amended by Congress in 1998 to require federal agencies to make their electronic and information technology accessible to federal employees and members of the public with disabilities. For additional information, see LLQR, [December 2006](#), page 13.

**LESSONS
LEARNED**

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Quality + Leadership = NEPA Success

Whether writing a statement of work for NEPA document preparation, checking raw data, model selection, and impact calculations, or reviewing a preliminary draft environmental impact statement (EIS) to ensure that references, appendices, main text, tables, and the summary are consistent, quality assurance (QA) makes a significant difference in the outcome of the NEPA process. The importance of QA – from start to finish and bottom to top – was a recurrent theme at the Department of Energy (DOE) NEPA Compliance Officer (NCO) meeting in Washington, DC, on May 9 and 10, 2006.

“NCOs are leaders in helping DOE achieve timely and excellent NEPA compliance in support of program missions,” said Carol Borgstrom, Director, Office of NEPA Policy and Compliance. She and her staff emphasized quality throughout the meeting on *Leading a Top-Notch NEPA Program*. NCOs representing 28 DOE Program and Site Offices discussed their roles and responsibilities in assuring quality. They shared NEPA lessons learned with each other and with Headquarters NEPA and General Counsel staff.

Quality at Every Step

In the meeting’s opening session on “Building Quality into NEPA Documents,” Jeanie Loving and Ralph Barr, NEPA Office, explained how the broad principles of QA can be applied to EISs and environmental assessments (EAs). Noting Secretary of Energy Samuel W. Bodman’s April 26, 2006, memorandum on QA, they emphasized that QA is essential to continuous improvement in DOE’s NEPA program. They reviewed how the criteria for QA Plans identified in DOE Order 414.1C, *Quality Assurance* (June 17, 2005), apply to NEPA documents.



DOE’s NEPA Compliance Officers discussed quality assurance during the interactive meeting of more than 50 NEPA practitioners. Participating in meetings such as this is an important part of DOE’s NEPA Lessons Learned Program. (See more photos, page 8.)

Federal oversight of NEPA contractors is important when applying QA principles, explained Harold Johnson, NCO, Carlsbad Field Office. “Check what your contractors do,” he said, “even calculations in spreadsheets.” He added, “You don’t have to be a technical expert on everything, but find technical experts to review those portions of NEPA documents that may be outside the scope of your knowledge.”

“Say it once, say it well, don’t say it again,” recommended Jack Depperschmidt, NCO, Idaho Operations Office, as a way to simplify the process of ensuring consistency throughout a NEPA document. This approach also can help keep a NEPA document concise, he added.

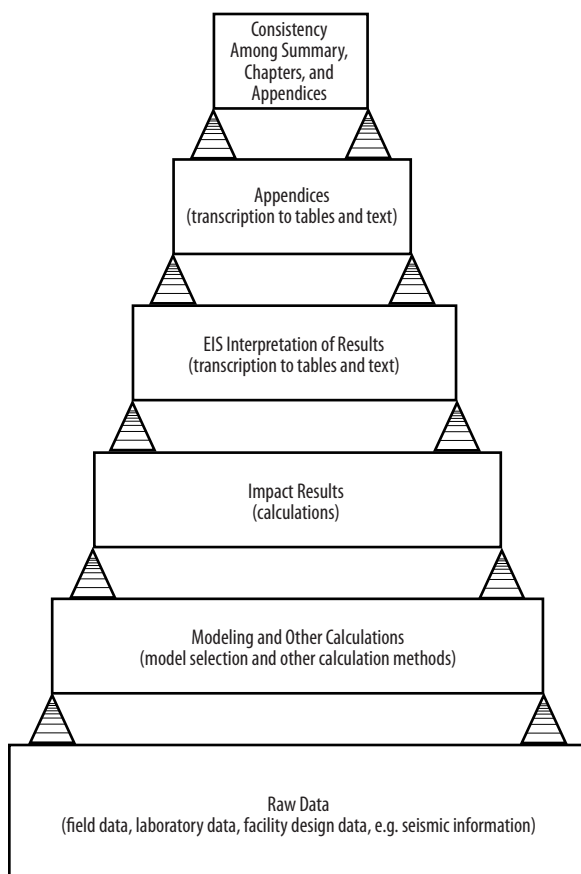
(continued on page 4)**NEPA 35 Earns Special Award from NAEP; see page 3**

NCO Meeting *(continued from page 1)*

Mr. Depperschmidt emphasized an NCO's responsibility for ensuring that source data has been validated and verified. "We need to evaluate the original data and make sure we stand behind it," agreed Hitesh Nigam, NCO, Office of Fissile Materials Disposition.

Echoing that thought, Ms. Loving said that QA starts with the raw data – the foundation for building the NEPA document. Using the diagram reproduced below, she described how the nature of the QA activity will change as the document is prepared. For example, the methods for checking the accuracy of a calculation differ from those for checking the consistency of analysis and conclusions, she explained. "Good documentation of 'QA checks' throughout document preparation will pay off in the end," Ms. Loving said.

Example QA Review Components for an EIS



QA relies on a bottom-to-top approach. Ensuring QA checks at each step in developing a NEPA document allows early identification of mistakes and helps avoid errors in succeeding steps.



Guidance on QA and EIS QA Plans

During discussion aimed at rethinking and revitalizing DOE's approach to QA for NEPA documents, most NCOs said they rely on a QA Plan provided by the NEPA document preparation contractor. Mr. Johnson explained that he nonetheless provides leadership in the QA process. "The contractor doesn't start work until I approve the QA Plan," he said.

Mr. Depperschmidt recommended that the NEPA Document Manager develop EIS-specific QA Plans in coordination with the NCO and organizational QA manager. He offered to share QA procedures, forms, and related materials with NCOs. (To request a copy, contact him at depperjd@id.doe.gov.)

NCOs supported developing QA guidance for NEPA documents and a DOE-wide model NEPA QA Plan. Alice Williams, NCO, National Nuclear Security Administration, said it could be helpful to have such a model QA Plan in place soon for future EISs. Several NCOs suggested that a model QA Plan be provided to contractors through the next DOE-wide NEPA contracts procurement process (related article, page 16).

Teamwork Strengthens EA/EIS Reviews

The focus on QA continued during a lively group discussion on EA and EIS reviews led by Brian Costner, NEPA Office. NCOs described how they assess what will be important to the decisionmaking process, in part, by reviewing documents related to the proposed action, such as existing NEPA documents, regulatory and permitting documents, congressional testimony, and DOE policy statements. When reviewing an EA or EIS, they ask, "Do all the pieces fit together?"

Most NCOs have used the EA and EIS Checklists (available on the DOE NEPA website at www.eh.doe.gov/nepa under Selected Guidance Tools) issued by the NEPA Office to facilitate document preparation and review. "It's a good way to do a topical review," said Mark Matarrese, NCO, Office of Fossil Energy, adding that the checklists encourage the reviewer to evaluate the factors listed, not just check a box. Marthea Rountree, Office of Federal Activities, Environmental Protection Agency (EPA), explained that in reviewing DOE EISs for EPA, she looks for consistency in data and terminology, and for compliance with regulations.

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NCO Meeting *(continued from previous page)*



“If you can follow a conclusion backward to the original data, then we can go to court and explain it,” said Richard Ahern, Office of the Assistant General Counsel for Environment. He emphasized, though, that his Office’s first goal is to keep DOE out of court. Reviews by legal counsel focus on whether DOE has met the “hard look” standard commonly used by the courts, he said (related article, page 19).

If a NEPA document is challenged, Mr. Ahern said a court might ask: Do the alternatives make sense vis-à-vis the purpose and need? Has the agency listened to comments and taken them seriously? Has the agency been thorough? Is the EIS coherent and consistent?

Jane Summerson, NCO, Office of Repository Development, shared with the group a technique that was successful in the Yucca Mountain EIS to ensure consistency in terminology and policy. DOE prepared “white papers,” in which all interested organizations agreed on the words to use to address key topics, and then these papers were referred to throughout preparation of the EIS, including responses to comments, she explained.

Several NCOs recounted the benefits of maintaining a team of contractors, subject matter experts, NEPA practitioners, and legal counsel from the beginning of the document preparation process to make sure there were “no surprises” during the review. NCOs also agreed that it is very beneficial to develop and maintain the involvement of senior management throughout the NEPA process.

Senior Management Attention Helps DOE Meet EIS Schedules

A root cause analysis of data on EIS completion times underscores the importance of senior management involvement in NEPA efforts, reported Eric Cohen, NEPA Office. “When senior managers get involved in key issues, resolution is reached, and EISs get done,” he said. Other factors supporting timely EISs are teamwork and having document preparers with strong skill sets. However, he noted a “troubling trend” that, after a promising decrease, the average EIS completion time has run close to 30 months for the past two years. (See *LLQR*, March 2006, page 32.)

Involving multiple cooperating agencies has contributed to the long completion times for several EISs, Mr. Cohen said, adding that experience shows that the time was well spent because the resulting EISs were made stronger by reflecting all agency views. Other causes for long EIS durations include involving multiple sites or programs, changes in the proposed action, delayed identification of data needs, and placing EISs “on hold” to meet changing program needs.

NCO Responsibilities

1. Office NEPA Procedures
2. CX Determinations
3. EA and EIS Lessons Learned
4. NEPA Strategies
5. NEPA Advice
6. EA vs. EIS Recommendations
7. Process and Document Assistance
8. Document Adequacy Recommendations
9. NEPA Meeting Participation, Training, Guidance Dissemination
10. NEPA Office Notifications
11. NEPA Office Copies

Adapted from DOE Order 451.1B, NEPA Compliance Program

Jim Daniel, NEPA Office, reminded NCOs of the submittal requirements for Annual Planning Summaries. He explained that the Summaries are a tool for senior managers that can help NCOs to plan and budget for their EAs and EISs. Use the Summaries to schedule timely and accurate NEPA reviews, including sufficient time for QA, he said. NCOs agreed that senior management involvement is crucial to their NEPA efforts. Jim Hartman, NCO, Western Area Power Administration, Rocky Mountain Region, observed that planning for a year’s worth of sometimes unpredictable NEPA activities can be difficult. In addition, NCOs noted that budget uncertainties can impact NEPA plans.

LLQR: A Lasting NEPA Resource

As part of an effort to track cost and completion time data for NEPA documents, the DOE NEPA Office has published *LLQR* since 1994, recalled Carolyn Osborne, NEPA Office. *LLQR* has grown in size and scope since its first, seven-page issue and now also includes litigation updates, mini-guidance, and other information that NEPA practitioners need to know to do their jobs well. It is the most practical means for sharing lessons learned among the DOE NEPA Community, apart from the annual meetings, she said. NCOs are expected to read each issue from cover to cover and to contribute case studies. *LLQR* has proved to be useful as a readily available record of DOE NEPA activities, noted Ms. Osborne.

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NCO Meeting *(continued from previous page)*

LLQR, which is available to the public via the DOE NEPA website, has attracted the interest of NEPA practitioners and scholars from outside of DOE, noted Yardena Mansoor, NEPA Office. It was cited frequently at this year's National Association of Environmental Professionals conference, she said (related article, page 12).

CEQ Updates, Perspectives

"The relationship between CEQ and DOE highlights the benefits of collaboration," said Horst Greczmiel, Associate Director for NEPA Oversight, Council on Environmental Quality (CEQ). "Working with you on our guidance products is critical in maintaining our credibility across the board."

Mr. Greczmiel provided participants at the NCO meeting a brief update on activities by the interagency Work Groups developing guidance to improve NEPA implementation. (See text box on page 7 and *LLQR*, March 2006, page 10.) He encouraged everyone to provide input on the draft guidance documents as they are circulated. He then remained for an extended question and answer session, during which NCOs sought his advice on a broad range of topics. Highlights of the discussion are summarized below.

- **EA Public Involvement Required.** "Public involvement for an EA is required," said Mr. Greczmiel, "but what you do varies because EAs vary in terms of their potential significance." There are few situations when public involvement in an EA is not practicable, he said. He encouraged NCOs to issue a notice to those who typically are interested in the type of proposed action, collect their feedback, and reflect those concerns in the EA. "You owe it to yourself and your organization," he said, "to reach out and provide quality information to the people who care, so that they have an opportunity to participate in a meaningful way."
- **Other Agency Cooperation Encouraged.** Mr. Greczmiel encouraged NCOs to "take every opportunity to bring other agencies into the fold." If the agency declines to be a cooperating agency, work with the agency to identify a way they can participate, such as in the scoping process or on a particular analysis, he said.


- **Benchmarking, Regional CXs**

Supported. Using another Federal agency's categorical exclusion (CX) is not allowed, Mr. Greczmiel said, but an agency can draw on the experience of another agency as a form of "benchmarking." In this way, an agency might establish a class of actions as a CX based, in part, on the experience of other agencies implementing comparable actions.

In addition, Mr. Greczmiel supported the possibility of "regional CXs" in cases where a class of actions has been demonstrated not to have significant environmental impacts in a particular region of the country, even though it may have significant impacts in another region.

"Do It Right the First Time"

"We need systems to ensure quality," said Ms. Borgstrom at the close of the meeting. "I would prefer we do it right the first time. Most of the time, we, the Department of Energy, do excellent work on NEPA," she concluded. "DOE is well served by this cadre of NCOs."

The Secretary's memorandum on QA is available on the Quality Assurance portion of the Office of Environment, Safety and Health's website at www.eh.doe.gov/qa. For information on QA lessons learned at the Hanford Site, see *LLQR*, March 2006, page 1. 



LESSONS LEARNED

Quality Assurance Integral to NEPA Implementation

DOE senior leaders have repeatedly emphasized quality assurance as essential to a successful NEPA program. Secretarial Officers and Heads of Field Organizations have the responsibility to ensure the preparation of a NEPA quality assurance plan (DOE O 451.1B, *NEPA Compliance Program*, paragraph 5.a(3)). This provision was added in response to a June 1994 [Secretarial NEPA policy statement](#). This requirement to prepare a plan signifies that a formal approach to quality assurance should be in place at the beginning of a NEPA review.

Most recently, Secretary of Energy Steven Chu's June 2012 [policy memorandum](#) on integrating program and project management with NEPA expressed the principle that data used in a NEPA document must meet appropriate quality assurance standards ([LLQR](#), [September 2012](#), pages 1 and 3).

Quality Assurance in the NEPA Context

The Council on Environmental Quality NEPA regulations (40 CFR 1500.1(b)) state that the environmental

information contained in a NEPA document "must be of high quality." A quality EA or EIS must be based on accurate data and sound scientific analysis.

[Merriam-Webster](#) defines quality assurance as "a program for the systematic monitoring and evaluation of the various aspects of a project [or] service . . . to ensure that standards of quality are being met." A quality assurance plan, therefore, should lay out the standards for data, analysis, content, and presentation, and then establish procedures, including assignment of responsibilities, for developing a NEPA document that meets these standards.



Quality assurance promotes efficiency by building in quality at all stages of a process – "getting it right the first time." (Quality control is generally the ongoing confirmation that the plan is being followed and a late-stage confirmation that the desired goals have been

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Making Quality Assurance Work

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met. Without upfront quality assurance in developing the NEPA document, any deficiencies may be identified during a quality control review of a completed document, with attendant delay and expense that might have been avoided.)

The NEPA Office recently asked NCOs and NEPA Document Managers to share their thoughts on ways to ensure the quality of DOE's EAs and EISs, and received a range of advice on quality assurance approaches.

When embarking on any EIS, the old saying goes, “plan your work and work your plan” with a slight caveat – the plan better be flexible. Good communication is essential, as is flexibility to refine procedures and develop corrective measures.

Linda Cohn
NCO, Nevada Site Office

Some DOE offices have established their NEPA quality assurance plan as a stand-alone document and others as part of a broader, office-specific NEPA procedures document. Some quality assurance plans apply primarily to contractors, while others apply to all parties who prepare and review the NEPA document. Some DOE offices have a broadly applicable quality assurance plan, and others tailor a plan for each NEPA review.

Office-Specific NEPA Quality Assurance Plans

NCOs and NEPA Document Managers report that a well-developed quality assurance plan promotes the interrelated goals of efficiency and consistency by establishing performance standards and specifying procedures. Several stated that the plan should clarify the responsibilities of all parties who develop the EA or EIS: NEPA Document Manager, NCO, NEPA and project staff, counsel, and management; a NEPA support contractor; if involved, an applicant; any cooperating agencies; and all reviewers.

“Everyone on the team is required to read the plan and document that they have reviewed and understand their responsibilities,” said Mary Beth Burandt, NEPA Document Manager for the *Hanford Tank Closure and Waste Management EIS* (DOE/EIS-0391). “Put the plan in place and follow it. If you have implemented your process correctly you should not have to do anything specific to ‘meet QA’ prior to submittal; this should have been happening all throughout document development.”

The Bonneville Power Administration has developed an agency-specific NEPA handbook, report NCOs Stacy Mason and Kathy Pierce, that outlines the process for preparing a categorical exclusion determination,

an EA, and an EIS. It identifies parties within the agency who help accomplish steps in the NEPA review (e.g., specialists in geographic information systems, public affairs, realty issues, web posting, contracting, and document processing). The handbook includes templates for documents that may be needed during a NEPA review, such as a notice of intent, notice of availability, *Federal Register* publication request, and transmittal letters.

Several NCOs mentioned that a quality assurance plan should include interim quality reviews to help identify, document, and resolve problems early, when corrections may have less impact on schedule and budget than near the end of NEPA document preparation. Susan McCauslin, Carlsbad Field Office NCO, also noted that such interim quality reviews are an opportunity to identify future improvements to quality procedures.

Contractors and Quality Assurance

DOE offices that direct their contractor to apply a quality assurance plan focus on ensuring data quality, valid analysis, consistency with CEQ and DOE requirements, and editorial quality of the documents (deliverables). Shane Kimbrough, NCO for Western Area Power Administration, explained that a contractor quality assurance plan:

- ensures that the contractor is aware that quality is expected
- requires contractors to commit to quality and explain how they propose to do it
- provides a “hammer” if quality is lacking
- provides an opportunity to discuss quality with the contractor when the issue of quality of submittals arises – especially during preparation of the preliminary draft of an EIS.

In addition to establishing a contractor quality assurance plan, some NEPA document managers provide the contractor with a good example of a past document for a similar type of project.

Most of the respondents affirmed their use of the EA and EIS checklists in reviewing contractor deliverables as part of their quality assurance process, and some ask the contractor to use the checklists before submitting their deliverables to DOE.

Team Coordination and Communication

A key element of document quality, noted several NCOs, is having the NEPA Document Manager continuously

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Making Quality Assurance Work

(continued from page 3)

involved in document development. The exchange of information is crucial to keeping the document on the right track and ensuring quality, said Ms. Cohn. A Western Area Power Administration NEPA Document Manager, Tim Snowden, provided additional detailed advice: “Establish consistent lines of communications with your contractors and integrated document team. Set adequate group meetings or teleconferences with contractors and the team to make sure all participants are on the same page in relation to the issues, and document the roadmap forward. Often different perceptions of a procedural problem

or issue can be resolved through the ‘collective mind’ approach.”

Path Forward

Members of the DOE NEPA Community, as well as other readers of *LLQR*, are invited to provide examples of effective quality assurance procedures and approaches, stories of lessons learned, guidance requests, and any additional feedback to askNEPA@hq.doe.gov. **LL**

Power of an EIS Style Guide: It's More than Commas and Fonts

Too often the style and format of an EIS seem to be handled as afterthoughts – cosmetic improvements to be made by an editor after the substance of the text has been written. This approach is inefficient and risky. Effective communication of complex technical information is difficult to achieve when a document is not well-prepared from the beginning.

In contrast, establishing a style guide early in document preparation and applying it continuously as text is developed is a better way to prepare a document that is reader-friendly and conveys information accurately. This is the approach of the DOE and contractor teams preparing the Repository Supplemental EIS and the Nevada Rail Corridor Supplemental EIS/Rail Alignment EIS, two related NEPA reviews for a geologic repository at Yucca Mountain. (See article on page 8.)

Under the direction of a DOE NEPA Document Manager, the document preparation contractors for each Yucca Mountain EIS prepared an EIS-specific guide. The stated purpose of the *Format and Style Guide* for the Rail EIS (discussed in the examples that follow) is to “establish uniform document-preparation standards” to ensure a final product that is consistent in writing style and appearance (e.g., format and presentation, including tables and figures). Each *Guide* applies only to its particular EIS, not to other documents prepared to support the EIS, and is considered a “living document” that may evolve during EIS preparation.

Reader-Friendly, Not Writer-Friendly


The Yucca Rail EIS *Format and Style Guide*, as its name suggests, specifies format for EIS text, multiple levels of headings, tables, and figures (for example, font name, size, and alignment), word processing and editing (for example, for capitalization and punctuation), and standard features (such as maps, headers and footers). But it does much more in addressing writing style and referencing.

The contents of the NEPA analyses should flow in an orderly manner from generalities to specifics, from familiar to new, and from premises through logical manipulations to conclusions.

– Yucca Rail EIS Format and Style Guide

Effective scientific or technical writing for an EIS is simple and direct, states the *Guide*. “Unnecessarily long words and complex inverted sentences work against clarity.” The readability goal for the NEPA analysis in the *Guide* is that it be understandable by an informed high-school graduate, and it describes approaches to acronyms and abbreviations; conciseness, consistency, and continuity; and word usage, symbols, and units of measurement.

The *Guide* emphasizes the importance of documenting sources used in the EIS and establishes procedures for consistent referencing. Whenever a reference is used, a copy is added to a Document Input Reference System, which includes a database of citations and identifies the information sources that become the administrative record for the EIS. “References provide traceability and defensibility of information and must be provided for all statements of fact.” If traceability and defensibility are not needed, there is no need for citing a reference, according to the *Guide*.”

Generally only documents with established status may be cited, advises the *Guide*, stating that draft documents cannot be used as references unless the cited draft document will be completed and approved before the EIS is published. The *Guide* also provides instructions for documenting nonprint sources of information, such as websites and telephone conversations, and obtaining permission to use copyrighted information. 

Sage Advice on Writing an EIS

The “write first, edit later” mode can be problematic. In interpreting and rewording technical exposition, for example, an editor risks unintentional changes to meaning. Guidelines for writing clear, comprehensible, well-documented text can help. Consider these examples from the Yucca Rail EIS *Format and Style Guide*:

- ✓ Be concise – say as much as possible with as little as possible.
- ✓ Repetition is safer than changing the nomenclature, which can leave the reader wondering if the subject changed.
- ✓ A table should stand alone: that is, the title and body of a table should present enough information to enable understanding without referring to the text.
- ✓ A NEPA analysis is not a technical or scientific document in the usual sense. Rather, it is an explanation of technical or scientific topics meant for an audience that probably does not have a technical background.



Advice from Counsel

Internal DOE reviewers are finding ineffective writing and poor quality in NEPA documents submitted for approval, in spite of the emphasis on assuring quality at each step of EIS and EA development at a previous NEPA Compliance Officer (NCO) meeting, May 2006 (LLQR, June 2006, page 1). To help ensure that NEPA documents attain legal sufficiency, two DOE Headquarters attorneys offered advice on writing NEPA documents and recommendations on NEPA compliance in general.

Quality Matters!

In working closely with DOE Program and Field environmental attorneys to prepare EAs and EISs, NEPA Document Managers often ask, “Why are lawyers so picky?” stated Bruce Diamond, Assistant General Counsel for Environment. Although not characteristic of all documents that his Office reviews, he said that far too many NEPA documents are not written well and do not read well – jeopardizing defensibility of the documents.

“We have a bedrock obligation to inform the public as to what the environmental and other consequences of an action would be,” Mr. Diamond emphasized. When sentences are garbled, logic flow is not evident, or tables are inconsistent, for example, it is hard to persuade a judge that we have analyzed the situation properly, he said. Quality does matter, he insisted.

***If a NEPA document does not read well,
our credibility goes out the window.***

***–Bruce Diamond
Assistant General Counsel for Environment***

Demand a Thorough QA Process

“Are we doing enough to make sure that strong internal Quality Assurance (QA) processes are in place during EA and EIS preparation?” Mr. Diamond asked. NEPA document preparation contractors should have QA staff who are separate from the technical writing staff and who have sign-off authority before a document is submitted for approval, he proposed. Mr. Diamond acknowledged the “toxic situation” that we can find ourselves in when an inferior product is received from a contractor, program management is up against a deadline to issue the NEPA document, and legal counsel is seen as giving the DOE NEPA Document Manager and EIS preparation team “a hard time.”

“How can we avoid this situation? How can we keep from rewarding contractors for suboptimal work? Should we develop best practices?” Mr. Diamond asked the NCOs. For example, he posed, would it help make the system work better if we simply sent a document back to a contractor, with the general direction to remove inconsistencies and correct grammar and misspellings?

Some NCOs responded that, more effective than what might be perceived as “bring me a rock,” would be to write the task order or the contract for the NEPA document as specifically as possible. A specific task order, the NCOs explained, could have a requirement for a robust QA system, including a QA plan that provides for an independent editorial review. Others suggested working with Contracting Officers, perhaps to set up penalties in case high quality documents are not received the first time, on time, and to routinely give thorough evaluations of contractor performance to Contracting Officers.

The Good, the Bad, and the Ugly

The NCOs are a “good” part of DOE’s NEPA program, said Paul Detwiler, Deputy General Counsel, National Nuclear Security Administration (NNSA), as they know “on the ground” facts about a site and serve as institutional experts, e.g., has a document been issued? has a facility been built? has the environment changed? He acknowledged that NCOs often find themselves caught in the middle – pressured between project deadlines and the time needed for the NEPA process. He emphasized that DOE’s terrorism guidance and, building on it, DOE’s analysis of the effects of terrorism, are also “good” aspects of DOE’s NEPA practice. He offered additional advice on how to improve other aspects of the DOE NEPA Compliance Program. (Also see page 33.) LL

LESSONS LEARNED

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How to Manage an EIS Schedule Successfully

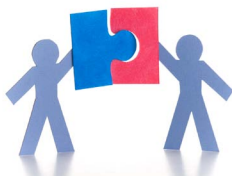
By: Brian Costner and Carrie Moeller, Office of NEPA Policy and Compliance

Developing and maintaining the schedule for preparation of an environmental impact statement (EIS) is one of a NEPA Document Manager’s most important responsibilities. The Office of NEPA Policy and Compliance recently asked several NEPA Compliance Officers (NCOs) and NEPA Document Managers to share their advice for completing an EIS on time.

An EIS schedule goes through several stages, they observed. An initial schedule must be revised as data and analytical needs are identified, cooperating agencies provide input, and public comments are reviewed. Regular communication helps everyone respond promptly to changes and keep the document on track. Overall, teamwork and effective project management are vital contributors to success.

Collaborate on Schedule Development

“Can you prepare an EIS without a schedule? Yes. Can you do it efficiently and with reasonable cost without one? I don’t think so,” said Jane Summerson, an NCO for the Office of Energy Efficiency and Renewable Energy and an experienced NEPA Document Manager.



“An EIS schedule is a tool for managing your work,” continued Ms. Summerson. To use that tool effectively, she and others explained, the EIS schedule must be developed collaboratively.

Kathy Pierce, NCO for Bonneville Power Administration (BPA), said that BPA EIS schedules are developed by the project team, which includes the NEPA Document Manager, the project engineer (or project manager), legal counsel, public affairs, and others. Also consider

information from any cooperating agency or other involved agencies, she added.

The project manager contributes information about decision deadlines, as well as project descriptions, the availability of existing data, and other factors that influence what needs to be analyzed. Working closely with the project manager is particularly important, noted Mark McKoy, NCO and NEPA Document Manager at DOE’s National Energy Technology Laboratory. “One of the main places where schedule time is lost is in waiting for sufficient planning and design work to be done. Before starting to prepare an EIS, make sure project management understands how much information and what details will be required in order to analyze the environmental impacts,” he said.

A NEPA Document Manager shall . . . [m]anage the document preparation process, including reviewing internal drafts for technical adequacy, controlling cost, and maintaining schedule.

– DOE Order 451.1B, NEPA Compliance Program

Shane Collins, NCO for Western Area Power Administration, recommends that NEPA Document Managers “understand the full scope of the project – insist on details.” Ms. Collins explained that Western’s NEPA Document Managers “develop EIS schedules replete with targets and milestones based on the initial project scope, the adequacy of project description information, and the level of available information regarding known and expected resource concerns.”

Ms. Summerson added that the NEPA Document Manager should know how “hard and fast” milestones are, what

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Manage an EIS Schedule Successfully *(continued from page 1)*

level of detail the EIS will cover, whether standard methodologies are available, or if field work is needed.

Sachiko McAlhany, a NEPA Document Manager for the National Nuclear Security Administration (NNSA), said that it is important to use this information to identify critical path items in the schedule. That helps prioritize work and illustrates where a document manager needs to focus attention.

It is important to get management approval of the schedule. NEPA Document Managers often incorporate regular management briefings into their planning process. Ms. Pierce said that BPA also includes the initial schedule in the notice of intent to prepare the EIS that is submitted to the BPA Administrator for approval.

Adapt the Schedule As Needed

“We are not reluctant or hesitant to modify an EIS schedule based on issues identified through the prescribed public process if additional effort is warranted to resolve technical, environmental, or political concerns,” said Ms. Collins.

Ms. Pierce offered examples of situations where a document manager might revise an EIS schedule:

- during scoping, additional alternatives may be proposed that need to be considered and analyzed,
- when results of engineering studies and field surveys suggest adjustments to an alternative that need to be analyzed, or
- in working with cooperating agencies – whether tribal, federal, or state – that are often overworked and underfunded and their priorities and schedule may not coincide with ours.

She emphasized that “EIS schedules are issue-driven and adaptively managed based on the results of impact analyses and input provided by project stakeholders.”

“You’ve got to be flexible,” said Mary Martin, NCO for NNSA. Be ready to handle requests for scoping or public comment period extensions, she advised. Ms. Pierce added, “Don’t make your schedule so tight you can’t accommodate problems.”

Ms. McAlhany recognized the need for flexibility but also cautioned, “There will be a point where you have a hard end date and completion of NEPA is part of the critical path for program and project plans.” Sometimes it is better to “show that you are behind” and keep the team’s focus on maintaining the schedule to minimize the delays, she added.

When schedule changes are being considered, everyone agreed on the importance of communication. “Don’t

be afraid to communicate ‘bad’ news,” said Ms. Pierce. “Things happen. The sooner the team is aware of an issue, the sooner it can be addressed.” Ms. Summerson agreed. You must be upfront early on with managers about potential risks, she advised. “You have to be realistic when building a schedule,” she said, “There are some things you can’t change.”

Information gained through public scoping, cooperating agency involvement, impact analyses, and project changes will influence the schedule through the life of the project.

– Shane Collins, Western NCO

Ms. Summerson recommended that NEPA Document Managers brief their program managers each month on EIS progress and accomplishments related to the EIS schedule. Ms. Pierce explained that at BPA, “Any changes to the schedule are discussed by the project team and approved by the executive team.” Ms. Collins similarly explained that at Western, “Schedule updates are coordinated with and reported to the NCO and project, program, and executive managers.”

Communicate Constantly

All agreed on the importance of communication throughout preparation of an EIS. This is underscored above for developing and revising a schedule. Communication needs are broader, though, and good communication is key to the NEPA Document Manager’s success.

“Use the schedule to facilitate discussions between all the parties involved in preparing an EIS,” said Mr. McKoy. “This includes the DOE management for the project,

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What’s in a Schedule?

A schedule should show **what** work is to be done, **who** will do the work, and **when** it should be completed. This will help the NEPA Document Manager identify where additional resources may be needed to meet the schedule and ensure that work is done in a logical order (e.g., some sections of an EIS cannot be completed before wildlife surveys are done; an EIS cannot be filed with the Environmental Protection Agency before distribution is complete). A Gantt chart is the most common format for presenting a schedule.

Project management training and educational materials cover scheduling in depth. One such resource is DOE’s Earned Value Management Tutorial Module 3: [Project Scheduling](#).

Manage an EIS Schedule Successfully *(continued from previous page)*

cooperating government agencies, and all private-sector project participants. If there are participants who are not familiar with the EIS process, put into the schedule the details that will make all aware of the extent and nature of work to be done.”

“Establish clear roles and responsibilities and communicate regularly with the project team,” said Ms. Pierce. Reviewing the status of schedule milestones on a weekly basis is important, Ms. McAlhany added. She suggested that NEPA Document Managers maintain an

Contract Management and Scheduling

When using a contractor to help prepare an EIS, the statement of work should lay a foundation for ensuring that schedules are appropriately developed and maintained. Mr. McKoy recommends that DOE include a basic schedule in the statement of work “so that potential contractors better understand what would be expected of them. In addition to helping them prepare a cost estimate and identify proposed staffing, it enables the winning contractor to begin work more quickly.”

Ms. Summerson added that the statement of work should require the contractor to submit a project management plan early in the process with a detailed schedule showing tasks, durations, specific staff assigned to each task, and potential conflicts. “It is important to document these details and identify assumptions used to develop the schedule,” she said.

Mr. McKoy further recommended making “the incentive fee award based in part on the contractor’s adherence to the schedule (with exceptions for things that are beyond the control of the contractor). The incentive fee also should be based on quality of work and control of costs.” For a complex EIS on a firm schedule, Mr. McKoy suggested that the contract “allow for the contractor employees to be paid for their overtime work and the contractor firm to be appropriately rewarded if they succeed in adhering to the schedule.”

Ms. McAlhany described how she uses her action item list to assess contractor performance during preparation of the EIS. She explained that it is “important to identify interim milestones and deliverables to ensure you are on track.” Ms. Summerson reiterated the importance of staying constantly involved and “document your concerns.” Ms. Summerson highlighted the need to hold the EIS contractor accountable to the schedule and meeting deliverable timetables with a product of acceptable quality. You have to be honest with the contractor about the document’s quality because ultimately that’s the only thing you have, she said.

action item list identifying actions, status, and who has the action and when it is due and to tie the action item list to the EIS schedule. “I monitor the progress of the actions and schedule weekly with the NEPA Team,” she said.

Ms. Summerson advised that NEPA Document Managers verbally engage their contractors on at least a weekly, if not daily, basis. “Ask questions,” she said. For example, a NEPA Document Manager should ask for preliminary language for certain chapters of the EIS or inquire as to whether a particular analysis has run into trouble. “Frequently the schedule is short enough that it doesn’t allow time to recover from a problem identified in a monthly status report. Regular communication is key.”

Ms. Martin advised NEPA Document Managers to communicate often with project managers to bridge the “gap” between NEPA and project staff. She explained that the project manager maintains his or her own project schedule (separate and apart from the NEPA schedule) that addresses design changes, fluctuating budgets, and other factors. Through frequent communication, the document manager will be aware of any key project changes as they arise, she said.

BPA relies on a project management team to ensure good communication and coordination. We can’t make sure there are no surprises during the course of a project, but we can make sure everyone is equally surprised.

– Kathy Pierce, BPA NCO

Both Ms. Pierce and Ms. Collins highlighted the importance of communication with stakeholders and cooperating agencies in staying on schedule. Ms. Collins advised that NEPA Document Managers meet with project stakeholders regularly and adequately address stakeholder concerns up front. “Meet to resolve issues with the interested public, make personal contact with affected landowners, and coordinate early with Native American tribes,” she suggested. Ms. Pierce recommended that you don’t “go dark” between scoping and the draft EIS or between the draft and final EIS. She suggested that NEPA Document Managers prepare fact sheets or project updates to keep the public informed.

Prepare for Internal Review

Review of the preliminary drafts of an EIS is an important part of the document preparation process. Successful NEPA Document Managers plan for this internal review from the outset by employing a team approach and incorporating the review into the EIS schedule.

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Manage an EIS Schedule Successfully *(continued from previous page)*

Ms. Summerson emphasized the importance of identifying review team members from the technical program and the General Counsel's office early on. "Get agreement on technical approaches and NEPA strategy before you bring a document to them for review and concurrence or approval," she advised. "You must have those discussions prior to the review to get an understanding among review team members. To leave those discussions for the concurrence or approval review will result in problems," she cautioned.

Ms. Martin emphasized the importance of conducting the site or program review of the NEPA document before it goes to General Counsel staff. Also, NEPA Document Managers "should not assume that one draft of a NEPA document is good enough – include multiple rounds of review into your schedule," Ms. Martin suggested. "When making schedules for EISs and EAs," agreed Mr. McKoy,

"assume that the preliminary drafts of the document will go through at least three rounds of DOE (including field office) review and contractor revision before the documents will be approved. This holds for the 'Final' as well as for the 'Draft' of each EIS and EA."

For additional information or questions, please contact Ms. Collins at collins@wapa.gov, Ms. Martin at mary.martin@nnsa.doe.gov, Ms. McAlhany at sachiko-w.mcalhany@nnsa.srs.gov, Mr. McKoy at mark.mckoy@netl.doe.gov, Ms. Pierce at kspierce@bpa.gov, and Ms. Summerson at jane.summerson@ee.doe.gov.

The NEPA Office thanks these individuals for their hard work to implement NEPA effectively and for sharing their lessons learned. ■■

Panel Offers Variety of Suggestions To Expedite Schedule, Maintain Quality

One of the strengths of DOE's cadre of NEPA practitioners is its diversity. The presentations of a panel advising on "How Can We Expedite Schedule and Maintain Quality?" – followed by an open discussion on "What Can We Do Better" – provided an array of perspectives: from Headquarters and Field representatives, legal and technical staff, and highly-experienced and relatively new NEPA practitioners. The panelists represented DOE Offices with vastly different missions and types of workload, including the extent of responsibility for Recovery Act projects.



Steve Blazek, Shane Collins, and Mike Jensen provide views on expediting the NEPA process.

Despite this diversity, common themes emerged from the panel's recommendations:

- Manage the NEPA process as a project, including management of schedule, contractor and in-house resources, and document quality.
- Anticipate and address issues early in the NEPA process to avoid delays late in the process.
- Streamline by consolidating review of similar actions; establish standard procedures, content, and format for repeated activities and document sections.
- Exploit tools such as NEPA guidance, and project management and other software.

Highlights of Panelists' Recommendations

Steve Blazek, NEPA Compliance Officer (NCO), Golden Field Office

Mr. Blazek described the "tsunami increase in the workload" that the Golden Field Office will face because of its responsibilities for Recovery Act projects, estimated as a 25 percent increase from the Office's previous annual

appropriation. He expects the Office's NEPA workload this year to include preparation of 7 EISs and up to 40 EAs, and about 2,000 categorical exclusion (CX) determinations – a challenge that will require the most effective NEPA strategies and improved coordination between the Field Office and Headquarters. Mr. Blazek recommended:

- Use a tracking system. Golden Field Office uses a database system to track NEPA activities, integrate them with the Office's management systems, and help coordination between project managers and NEPA staff.
- Establish clear assignment of EIS roles and responsibilities, communication pathways, and schedule responsibilities.
- Request environmental information from applicants in Funding Opportunity Announcements when a financial assistance project may need an EA or EIS.
- Categorically exclude groups of similar projects, when appropriate.

Shane Collins, NCO, Western Area Power Administration

Ms. Collins advocated streamlining the EIS process by preparing a draft EIS that will not need extensive changes in response to comments, followed by an "abbreviated" final EIS. Under the Council on Environmental Quality (CEQ) regulations (40 CFR 1503.4(c)), if changes in response to comments on the draft EIS are minor, agencies may circulate only the comments, responses, and changes. This approach saves time and cost, and commentors can easily see how their comments were addressed. Ms. Collins advised:

- Ensure there are no surprises. Address public concerns adequately in the draft EIS, so that if changes are required in the final EIS, they will be only factual, nonsubstantive corrections. This approach requires preparation of a solid, readable, and "noncontroversial" draft EIS.
- Adequately address stakeholder concerns in the draft EIS by up-front work that may go beyond scoping. Meet to resolve issues with the interested public, make personal contact with affected landowners, and coordinate early with Native American tribes.
- Avoid sensitive resources, and commit to mitigation.
- Ensure that the EIS evaluates an adequate range of alternatives and provides appropriate justification regarding alternatives eliminated from detailed study.

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Expedite Schedule, Maintain Quality

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Mike Jensen, Attorney-Adviser, Office of the Assistant General Counsel for Environment

Mr. Jensen emphasized that ensuring the legal adequacy of an EIS is a means of attaining schedule goals and a high level of document quality. He recommended diligent attention to regulatory requirements to avoid delay during Headquarters review. Mr. Jensen also advised:

- The statement of purpose and need should not be so narrow as to rule out alternatives, nor so broad as to expand the range of alternatives beyond those that reflect the Department's need. It should be "just right" (the "three bears" approach).
- Know the project completely to support a clear description in the NEPA document.
- Streamline documents through good writing:
 - Apply the sliding scale; do not provide extensive detail for resource areas with minor impacts.
 - Avoid repetition, for example, for alternatives with identical impacts in a particular resource area; consider combining the sections on affected environment and consequences.
 - Have someone not familiar with the project review the document.
- Reduce litigation risk by carefully considering whether an alternative suggested by the public is within the range of reasonable alternatives to be evaluated in detail. Pay attention to controversial topics that are frequently the subject of litigation: greenhouse gases, terrorism, and transboundary impacts.



Jeanie Loving, Carrie Moeller, and Matt Urie listen to meeting participant comments.

Jeanie Loving, NCO, Office of Environmental Management

Ms. Loving, an NCO who previously worked as a staff member in the Office of NEPA Policy and Compliance, noted that she appreciates Program Office and Headquarters NEPA compliance and legal perspectives. She attested to the value added by them and advised other NCOs that delegation of EIS approval authority (from the General Counsel to the Program Secretarial Officer) can increase litigation risk even though counsel concurrence in the EIS would still be required. Her recommendations included:

- Be aware that contractors and Field Office representatives tend to be highly concerned with the schedule of NEPA review, while Headquarters Offices tend to focus more on the quality side of the review process.
- For a smooth Headquarters review, NEPA Document Managers should "involve GC early and often" (referring to retired NCO Harold Johnson); prepare high quality documents so that the NEPA Office can focus on NEPA adequacy of a document instead of editing.
- The NEPA Document Manager should manage the approval process by seeking agreement on the number of iterative reviews (for example: a preliminary and final review); developing detailed schedules for program, NEPA Office, and legal review; and seeking buy-in by the reviewers.
- To reduce the potential for delay, Headquarters reviewers should look for opportunities to resolve issues early, for example, before approval review of a final EIS; provide specific direction and language, where possible, for requested changes to more efficiently get the desired result; provide final approvals "subject to comments" instead of waiting to receive revised pages.

Carrie Moeller, Office of NEPA Policy and Compliance

Ms. Moeller, a relatively new staff member in the NEPA Office, described her observations on the value added in Headquarters approval review of EISs: providing a comprehensive, objective, "fresh eyes" reading; reviewing the entire EIS, with particular attention to NEPA terminology and principles; applying perspectives on DOE cross-cutting issues and approaches; and focusing on

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Expedite Schedule, Maintain Quality

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readability, good communication, and consistency. She acknowledged that there are actions that the NEPA Office could take to be more proactive:

- Host monthly conference calls with NCOs to identify and resolve issues early and maintain open communication.
- Conduct training to help avoid problems in the “crunch” of EIS preparation.
- Identify recurring issues and address them through guidance.

Matt Urie, Acting Deputy General Counsel, National Nuclear Security Administration (NNSA)

Mr. Urie addressed the need for more effective management of the NEPA process in both Field and Program Offices, and emphasized the need for Program Secretarial Officers “to own” the NEPA process, which can be especially challenging for site-wide EISs. Acknowledging the need for accelerating the NEPA process, he reminded NCOs that the Project Managers they support should understand that “streamlining” must stay within the law. He urged NCOs to manage schedules strictly but realistically, as attempts to meet schedule may result in poor quality documents that will require time-consuming, multiple rounds of review. He recommended:

- Learn from other documents (e.g., for terrorism analyses, look at the Yucca Mountain EISs).
- Use a Management Council and Management Review team approach, and expect to receive comments.
- Establish guidelines for document reviewers to encourage disciplined, value-added comments, and establish realistic schedules that account for the priorities of other Offices.
- Pay attention to the administrative record for the NEPA process, and consider when conversation rather than email is an appropriate approach for deliberations.

Discussion Continued on Process Improvements

NCO meeting participants later conducted a group discussion to further explore “what we can do better.” Carol Borgstrom started the discussion by asking NCOs about the feasibility of posting CX determinations on DOE websites. Several participants suggested that posting CX determinations may be appropriate in light of the President’s emphasis on transparency for Recovery Act projects, and the Attorney General’s March 19, 2009, memorandum regarding the Freedom of Information Act. One NCO previously had posted the title of CX determinations on the Field Office website, but said this practice was discontinued because resources were limited. Several NCOs expressed concern about posting CX determinations because of resource limitations, and one NCO said there was not enough time to post such determinations for Recovery Act projects.

During further discussions on streamlining the EIS process, several NCOs recommended that Headquarters reviewers should better recognize the importance of schedule to Field Offices. NCOs offered several suggestions, such as shortening Headquarters review times and limiting the number of review cycles. Bill Levitan, Director, Office of Compliance, in the Office of Environmental Management, said a paradigm shift is needed, and that Headquarters reviewers should themselves regard their EIS reviews as projects. He recommended developing a master review schedule that includes a baseline, and the use of project management software to manage reviews. “Plan your work and work your plan,” he said.

In response to these recommendations, the NEPA Office proposed an example schedule based on completing an EIS in 15 months (related article, page 2). The NEPA Office requested that NCOs work with NEPA Document Managers to provide their existing, detailed EIS schedules, which will enable the Office to improve its planning and better support Program and Field Office EIS schedules. ■■



Early Detailed Planning and Integrated Teamwork: Keys to Yucca NEPA Success

“How did we succeed?” asked Dr. Jane Summerson, NEPA Document Manager and NEPA Compliance Officer (NCO) for the Office of Civilian Radioactive Waste Management (RW), as she presented lessons learned from the preparation of the Yucca Mountain Repository Supplemental EIS (Repository SEIS), the Nevada Rail Corridor SEIS, and the Rail Alignment EIS. Integrated teamwork and early detailed planning contributed greatly to our successes, noted Dr. Summerson. She highlighted four elements – senior management buy-in, a management council, traditional project management tools, and formalized EIS-specific procedures – that enabled the timely completion of three high quality EISs.

“This was no easy task,” she said. “Among the major challenges we faced was the need to ensure that the documents were consistent with not only each other, but also with other DOE NEPA actions and DOE’s application to the Nuclear Regulatory Commission [NRC] for authorization to construct the repository, that is, the license application.” Dr. Summerson acknowledged the critical roles played by her EIS support contractors: Jason Associates Corporation, led by Joseph Rivers; Potomac-Hudson Engineering, Inc., led by Michael West; and Lechel Inc., led by David Lechel.

Obtain Senior Management Buy-In

By clearly articulating the need for the EISs to support DOE’s license application to the NRC, Dr. Summerson said she obtained DOE senior management buy-in. Consequently, she explained, the EISs were formally “projectized” within the Program, and the NEPA Document Manager reported directly to the RW Director. Senior management buy-in enabled Department-wide resources, including the EIS preparers and reviewers, to be dedicated to the EIS process, with a corresponding commitment, within both DOE and contractor organizations, that milestones for completing high quality EISs were non-negotiable at all levels, she said.

Use Management Council “Early and Often”

Dr. Summerson outlined DOE’s use of a Management Council, an approach previously used during the preparation of the 2002 Yucca Repository EIS, to ensure that the Yucca EISs met the needs of all owners, on schedule. Members of the Council included not only representatives from DOE offices (RW, General



Counsel, Environmental Management, Naval Reactors) and the EIS preparation team, she said, but also, for the rail EISs, staff from the Federal cooperating agencies (Bureau of Land Management and Surface Transportation Board). She noted that participation by Federal cooperating agencies brought special expertise to the table and ensured that the rail EISs met their agencies’ requirements so they could adopt DOE’s Yucca NEPA documents.

The cooperation among organizations, agencies, and technical leads in completing these EISs serves as a business case management example of how to do things right in the government.

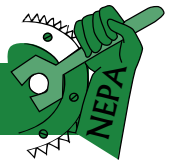
*–Ward Sproat, Director
Office of Civilian Radioactive Waste Management*

In addition, she explained, the Management Council agreed up-front on the analytical approaches, strategy, scope, and appropriate level of detail to be used. For example, she said, the EIS contractors developed technical papers to outline the analytical approach for each impact area and prepared issue papers, which detailed the strategy for resolving policy issues, areas of controversy, and integration issues with other DOE NEPA documents. Subsequently, Dr. Summerson said, “the Council reviewed, agreed upon, and documented in writing each of these decisions.” This approach prevented re-visiting these items and the potential for delays, unless new information or circumstances required it, she said.

Apply Traditional Project Management Tools

Dr. Summerson emphasized the importance of early consideration and implementation of several project management tools, including scope definition, schedule integration, roles and responsibilities, and communication. Detailed planning of scope reduced legal risk, helped ensure consideration of public comments and responsible opposing views, and supported consistency of the Yucca EISs with other DOE EISs, she said. In particular, Dr. Summerson noted that “up-front planning and buy-in of scope resulted in fewer

(continued on next page)



Keys to Yucca NEPA Success

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changes later and in turn prevented schedule slips.” A commitment to Congress by the RW Director to meet project milestones and the detailed integration of schedules for the various EIS teams also contributed to the overall adherence to schedule, she said.

Stressing the importance of defining roles and responsibilities, she noted that identifying early on who owns what, designating “tasking authorities” and respecting those boundaries led to the successful day-to-day management of close to 200 (at peak times) authors, contributors, reviewers, and production staff. In addition, she attributed their success largely to team building, which ensured the freedom to communicate and that problem solving approaches were understood and appreciated. Specifically, she underscored the importance of streamlining information flow among document preparation team members and having face-to-face discussions.

Communication and coordination between the team and DOE program offices were essential to ensure the Yucca EISs’ consistency with other ongoing DOE NEPA documents, Dr. Summerson explained. For example, she said, the team coordinated specific language in the Yucca EISs related to the Greater-than-Class C Low-Level Radioactive Waste EIS and the Global Nuclear Energy Partnership Programmatic EIS with DOE’s Office of Environmental Management and Office of Nuclear Energy, respectively ([LLQR, September 2007](#), page 1, and [March 2007](#), page 1).

Formalize EIS-Specific Processes

Dr. Summerson highlighted a series of formalized EIS-specific processes for communication, EIS review and approval, comment response, and document production and distribution. For example, the team used a system of point-of-contact communication among the EISs for content integration and technical data management to identify problems and get them solved early, she noted. In addition, she said, the team established detailed phased review cycles (staggering the review and comment resolution meetings for the EISs) and a formal comment-response process that was accepted by the Management Council prior to start of the public comment period ([LLQR, December 2007](#), page 8, and [March 2008](#), page 5).

Useful Tips for Document Production and Distribution

Document references

- Avoid web references or at least print a paper copy on the day of accessing the information

Publishing

- Use “fresh eyes” for the final quality check before production
- Don’t assume the work ends with document approval; resources must remain available to complete document distribution and to address issues arising after EIS issuance (e.g., litigation support)

Distribution

- Use a “culling” postcard to verify the mailing list and send a summary as the default distribution format for nonresponders

Administrative record

- Screen items early on for potential inclusion in the record

She described an EIS approval approach that included setting up key staff at DOE headquarters to facilitate final document review by DOE program offices, and conducting a series of briefings to inform concurring DOE organizations of the status of the EISs and of issues important to each organization. Dr. Summerson also provided recommendations on document production and distribution. (See text box.)

See related articles (pages 21-23) on the Rail Alignment Record of Decision and the new Groundwater SEIS, plus a timeline and chart showing relationships among the Yucca EISs.

For further information, contact Dr. Summerson at jane_summerson@ymp.gov or 702-794-1493.

Tips for Effective EIS Management Teams

Secretary Chu's June 12, 2012, memorandum on improved decision making through integration of program and project management with NEPA compliance highlighted the importance of headquarters and field organizations working as a team to support NEPA Document Managers, starting early in NEPA document development. Below are recommendations that were developed in coordination with several experienced DOE NEPA Compliance Officers (NCOs) and NEPA Document Managers on involving a management team during EIS preparation. (See also *LLQR*, December 2008, page 4, and June 2009, page 3.)

Laying the Groundwork/Early Planning

- Identify the role of an EIS team, such as to agree on the appropriate analytical approach, strategy, scope, and level of detail to be used in an EIS.
- Include team members from all affected offices, recognizing that participation may vary throughout the process. The NEPA Document Manager typically leads the team. Participants normally include the project manager for the EIS preparation contractor, the NCO, the project or program manager (or project engineer), the Office of NEPA Policy and Compliance, legal counsel, and key technical reviewers. Teams may also include representatives from cooperating agencies and DOE congressional and public affairs staff.
- Obtain senior management support for the EIS team, including active participation as needed (e.g., to resolve policy or resource issues).
- Establish a consistent schedule for meeting with the EIS team; regular communication facilitates accountability among team members and helps keep the EIS on track. Implement project management tools, including scope definition, schedule integration, and cost performance. For projects subject to DOE Order 413.3B, *Program and Project Management for the Acquisition of Capital Assets*, the Federal Project Director is responsible for all phases of project

planning and execution – including NEPA compliance – and should provide day-to-day direction to the NEPA team and coordination with senior management.

Team Management

- Establish a close working relationship between the DOE NEPA Document Manager and the project manager for the EIS preparation contractor.
- Clearly establish roles and responsibilities for key players in the EIS process, including DOE and contractor staff.
- Get agreement early on the EIS approach and a realistic EIS schedule, and involve the team in any changes to the approach and schedule. Keep a detailed list of key decisions and action items.
- Identify points of contact, or dedicated teams, for particular issues.
- Establish guidelines, including agreed-upon schedules, for document reviewers.
- Require the EIS preparation contractor to designate a specific individual responsible for each section of the EIS; doing so creates accountability and fosters a mindset where individuals want to ensure that “their” sections are correct. Every week, the NEPA Document Manager needs to convene a document status meeting with the NCO and the contractor and/or DOE personnel responsible for each section of the EIS. **LL**

The Office of NEPA Policy and Compliance appreciates the detailed contributions to this article from Jack Depperschmidt and Drew Grainger, NCOs for the Idaho Operations Office and Savannah River Operations Office, respectively, and welcomes further suggestions on effective EIS management teams, particularly examples or case studies of best practices.

The Intangibles in the NEPA Process: Harold Johnson's Advice to a New NCO



Acquire Pertinent Knowledge and Resources

- Experience and knowledge are a must for project management and quality assurance. If you don't have it, get someone on your team who does.
- Know the basics of the analytical methods used in your NEPA reviews.
 - Helpful in managing and reviewing NEPA documents, e.g., spotting places where the approach is not what you expected.
 - Essential to explaining the results to nontechnical reviewers and answering questions about results.

Manage Contractor Support

- Write a good detailed statement of work. This is essential. The contractor must know what is expected.
- Select a contractor based on several criteria – cost estimate, history of completing tasks within original cost and time estimate, approach to analysis and quality assurance, and key staff.
- Be able to answer contractor questions about what analytical approach to use and provide guidance on DOE policy issues that often arise in the NEPA process.
- Be trained as a Contracting Officer's Representative if at all possible.

Cultivate Strong Relationships

- Attend periodic NEPA meetings. This is a good way to meet and cultivate strong working relationships with your document's reviewers and approvers and other NCOs and document managers.
- Strengthen your ability to communicate clearly. This is an asset that will save you time in the NEPA approval process.

Know the Big Picture – How Would Your Actions Affect Other Sites?

- To help avoid headaches, communicate with others who will be affected by what you are doing – such as NCOs at other involved sites, NEPA document managers of documents being prepared concurrently, and Headquarters reviewers.
- Seek good sources of information about what is happening elsewhere – ask Headquarters personnel and read relevant newsletters.

Understand the Politics

- Be able to explain your local politics to other sites and Headquarters, especially when they affect timing of another site's action or decision.
- Expect the unexpected due to politics (timing is often driven by political considerations – delays are common around elections and other important political events).

Cooperate to Obtain Headquarters Approval

- To save everyone time, get agreement on an approach before implementing it, rather than arguing afterwards. Don't hesitate to call and ask for advice or discuss proposed strategy.
- Be cooperative over minor differences in opinion or wording. Save your arguments for important issues and times when reviewers want to make changes that are factually incorrect.
- Be open and honest. Build your trust factor to help speed the approval process.