



KNOWLEDGE-BASED SURVEY FOR IDENTIFYING BEST PRACTICE PRINCIPLES FOR ENVIRONMENTAL ASSESSMENTS

by

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Introduction



- **CEQ Pilot Study (October, 2011 to November, 2012)**
- **CEQ's NEPA regulations limited on EAs**
- **EAs are frequently used NEPA compliance documents**
- **Significance of impacts should be clearly addressed; mitigation can be used to reduce negative impacts**
- **CEQ information on EAs in 1981, 1986, 2003, 2011, and 2012**
- **Several agencies have EA guidance (Army, USFS, Energy, FHWA, Interior, BLM)**

Concept of Study



- **Knowledge-based survey of experienced NEPA professionals**
- **Survey Monkey**
- **Experience provides foundation for Best Practice Principles**

Questionnaire



- **Q1 to Q5 – professional experience of respondees**
- **Q6 (known inadequacies of EAs) and Q7 (respondee inputs on features of adequate EAs)**
- **Q8 to Q21 (14 questions on substantive topics)**
- **Q22 (barriers to implementation of BPPs) and Q23 (positive actions for implementation)**
- **Questions – yes/no, agree/disagree, and comments (Q3-8, 10-12, 14, 20-23)**

Respondee



- **1061 invited; 318 (30%) voluntarily participated**
- **810 NAEP members invited and 240 responded (29.6%); 250 persons from federal agencies invited and 76 responded (30.4%)**
- **Years of EA-related practice – 40% of respondees had more than 20 years; and 70.4% cumulatively had more than 10 years experience**
- **Approximately 5000 person-years of experience from 318 respondees**

Respondees Continued



- **Approximately 70% of respondees were scientists, planners, or policy analysts**
- **Approximately 47% of the respondees worked for consulting firms, and 39% were associated with Federal agencies**

Q6 – Inadequacies in EAs



- **No clear delineation of impact significance (most important inadequacy)**
- **Absence of “hard look” regarding specific types of impacts**
- **Concerns regarding the implementation of impact mitigation measures**
- **Minimal information on the scientific basis for stated impacts**
- **Concerns regarding the effectiveness of impact mitigation measures**

Q6 – Inadequacies Cont' d



- **Omission of or inadequate Section 7 coordination related to the Endangered Species Act**
- **Inadequate coordination relative to cultural resources laws, e.g., National Historic Preservation Act**
- **Uncertainty regarding public participation for large-scale EAs**
- **Poor writing and editing (least important inadequacy, but still needs attention)**

Q7 – Adequate EAs



- **559 comments were received; 535 related to positive features**
- **The 535 comments were divided into 23 topical categories; these comments provided a useful foundation for the selection of pertinent BPPs and the preparation of specific BPP statements**
- **The results within the 23 topical categories often contained duplicative comments**

Selection Process for BPPs



- **Step 1 – begin with 23 topical comments categories and consider their regrouping (5 were regrouped into the remaining 18)**
- **Step 2 – identify sections from CEQ’s NEPA regulations, or other information sources, that are related to the 18 categories from Step 1; then, divide the 18 topical categories into two groups – Priority 1 (need BPPs) or Priority 2 (defacto BPPs from NEPA regulations)**

Selection Process Cont' d



- **Step 3 – match potential EA inadequacies from Q6 with the 18 categories in Step 2, as well as comments on topical categories as found in Q6**
- **Step 4 – identify topical questions from the Questionnaire that relate to each of the 18 categories, and add six additional topics from the Questionnaire itself**
- **Step 5 – re-prioritize the findings for the 24 topical categories into Priority 1 and 2**

Priority 1 BPPs



- 1 – Three Levels of Analysis (Q8)**
- 2 – Description of Purpose and Need (Q7 and Q6)**
- 3 – Description of Proposed Action/Activity and Alternatives (Q7 and Q6); and Alternatives for Three Levels of Analysis (Q9)**
- 4 – Description of Study Area and Resources (Q7 and Q6)**
- 5 – Comparative Impacts on Resources (Q7 and Q6); and Pertinent Issues and Impacts (Q10)**

Priority 1 BPPs Cont' d



- 6 – Topical Outlines in EAs (Q11)**
- 7 – Page Limits for Three Levels of EAs (Q12)**
- 8 – Cumulative Effects Assessment and Management (Q7 and Q6); CEAM for Three Levels of EAs (Q19)**
- 9 – Regulatory/Coordination/Consultation/Compliance (Q7 and Q6)**
- 10 – Systematic Determinations of Significance of Impacts (Q7 and Q6); and Impact Significance Determinations (Q13)**

Priority 1 BPPs Cont' d



- 11 – Identification of Mitigation Measures and Monitoring (Q7 and Q6)**
- 12 – Climate Change and Three Levels of Impacts (Q20)**
- 13 – Use of Adaptive Management (Q7 and Q6)**
- 14 – Application of Principles of Scientific Writing and Communication (Q7 and Q6)**
- 15 – Public Involvement, Response to Review Comments on Draft EAs (Q7 and Q6), and Public Reviews of Three levels of EAs (Q18) (Section 1506.6 and 1503.4)**

Priority 2 BPPs



- 16 – Leadership and Membership of EA Preparation Team, and Planning of EA (Q7 and Q6) – Utilize pertinent available sources of Information**
- 17 – Executive Summary (Q7 and Q6) – Section 1502.12**
- 18 – Scoping Process (Q7 and Q6); and Public and Agency Scoping for Three Levels of EAs (Q17) – Section 1501.7**
- 19 – Scientific Foundation for Study and Subject Matter Experts (Q7 and Q6) – Section 1502.24**

Priority 2 BPPs Cont' d



- 20 – Composite Report of Laws and Criteria (Q14) – Utilize pertinent available sources of information**
- 21 – Preparation of FONSI (Q7 and Q6) – Section 1508.13**
- 22 – Incomplete and Unavailable Information for EAs (Q15 and Q16) – Section 1502.22**
- 23 – Supplemental EAs (Q21) – Section 1502.9**
- 24 – Preparation of Administrative Record – Utilize pertinent available sources of information**

Each Priority 1 BPP



- **Question 1 – What are current inadequacies in addressing BPP x? (Q6)**
- **Question 2 – What are current features typically associated with an adequate BPP x? (Q7)**
- **Question 3 – Are there other key findings regarding BPP x from Questionnaire questions?**

Each Priority 1 BPP Cont'd



- **Question 4 – Were comments related to BPP x received on any other Questionnaire questions?**
- **Question 5 – Does CEQ already address BPP x in its NEPA regulations or other guidance documents**

Levels of Analysis (Q8)



- **CEQ NEPA Regulations plus other guidance**
 1. **Traditional EA (10-15 pages)**
 2. **Mitigated FONSI EA (50-100 to 200 pages)**
- **From practice – Super EA (200+ pages)**
- **Q8 responses**
 1. **88% of respondents favored three levels of EA**
 2. **Strong negative comments regarding three levels and the term Super EA**
- **Response**
 - **Changed Super EA to Enhanced EA**
 - **Many recommendations herein related to additional requirements for Enhanced EAs**

Structure of Each BPP



- **Background information**
 1. **Questionnaire**
 2. **Case law**
 3. **CEQ NEPA regulations and guidance**
 4. **Other published information**
- **Specific statement of BPP – from one paragraph to 2 to 3 pages**

Final Remarks



- **Thanks to all participants**
- **The complete report, including all comments, provides extensive information which can be used by CEQ (and NAEP) in developing guidance related to the preparation of EAs**
- **Number of BPPs increase from Traditional to Mitigated FONSI to Enhanced EAs**

Final Remarks Cont' d



- **Proposed BPPs prepared for 15 Priority 1 topics; 9 Priority 2 topics could be addressed by others**
- **CEQ could utilize the results from Q22 and Q23 as a basis for a proactive strategy to develop systematic guidance for EAs**



QUESTIONS?

COMMENTS?