

NEPA Streamlining Practices

NEPA Pre-work

1. Identify the project manager and interdisciplinary (ID) team.

- a. Define management - approved roles and responsibilities of ID team members, project manager, and Planning and Environmental Coordinator, in document preparation and review.
- b. Determine if contractors will be used. If so, complete contracting steps (see 8 below).
- c. Identify if the ID team is lacking scarce skills/resource expertise. If so, arrange for agency staff, contractor, or external agency to supply expertise.
- d. Conduct internal scoping.
- e. Hold pre-application meetings with proponent (for externally generated projects).
- f. Identify potential issues (use GIS to help), data needs, inventories, and studies. Initiate data gathering.
- g. Review a preliminary version of the proponent's application and Plan of Development or Plan of Operations etc. (for externally generated projects).
- h. Determine whether the proposed action will require a land use plan amendment.
- i. The time clock for all EAs will start with the initiation of external scoping or public notification of the project. Be sure all NEPA pre-work is completed before then, to help ensure the analysis can be completed within 180 days and will result in either a Finding of No Significant Impact, or a determination to prepare an Environmental Impact Statement.
- j. Track environmental review costs per Secretarial Order 3380 and the Office of Environmental Policy and Compliance Environmental Review Memorandum 10-12.

2. Conduct early outreach

- a. Identify stakeholders and interested parties
- b. Coordinate with cooperators, regulatory agencies, state and local governments, and tribes to acquire relevant information.
- c. Identify and address issues, with a focus on outreach to regulatory agencies that could affect project outcomes.
- d. Provide an opportunity for public feedback on preliminary alternatives and issues prior to scoping.
- e. Identify potential design features, Standard Operating Procedures, and mitigation that would reduce impacts.

3. Develop and sign Memorandums of Understanding

- a. Identify and invite eligible Cooperating Agencies (CAs) to participate in the process.
- b. Develop and sign memorandums of understanding (MOU) that clearly articulate roles, responsibilities, expectations, and limitations of CA status.
- c. Encourage CAs to participate early and fully in the process (with ID team) and conduct concurrent reviews.
- d. For DOI bureaus that participate as a CA, individual MOUs are not required, follow Deputy Secretary Memo, June 11, 2018, "Standardized Intra-Department Procedures

Replacing Individual Memoranda of Understanding for Bureaus Working as Cooperating Agencies.”

4. Develop project schedule

- a. Develop a schedule with input from CAs, and input and approval by BLM management.
- b. Communicate expectations that the schedule should be adhered to, to the maximum extent possible.

5. Identify Solicitor needs.

- a. If an EA is expected to be controversial, complex or perceived to possess a greater-than-average risk of litigation, incorporate an attorney from the Office of the Solicitor into the EA project team (“Additional Direction for Implementing Secretary’s Order 3355 Regarding Environmental Assessments,” Deputy Secretary Memo Aug. 6, 2018).

6. Initiate government-to-government consultation

- a. Provide tribes as much information as possible, as early as possible (pre-application or internal scoping).

7. Initiate Section 7 (ESA) consultation

- a. Initiate dialogue with the USFWS contact immediately upon determining a project area, to obtain a species list to help expedite the coordination/consultation process. USFWS legally has up to 135 days to respond to a biological assessment and issue a biological opinion (applies to determination of adverse effect only), so it’s important to start the process early.

8. Identify any contracting needs.

- a. Develop clear statements of work that include deadlines, tasks, responsibilities, products, and the requirement to produce documents that will meet the S.O. 3355 and Deputy Secretary requirements.
- b. If possible, recruit and select contractors at pre-work stage.
- c. Coordinate with the selected contractor to ensure all access and clearances are fully operational before the NEPA clock starts.
- d. Use the NOC NEPA Blanket Purchase Agreement (BPA) for a variety of different project related tasks.

9. Prepare preliminary EA sections

- a. Develop preliminary issues.
- b. Develop a focused, defensible Purpose and Need statement that can help eliminate the creation of unnecessary alternatives.
- c. Define decision(s) to be made.
- d. Document RMP conformance.
- e. Develop preliminary alternatives.
- f. Complete preliminary analysis of known issues and alternatives.
- g. Document consideration and rationale for dismissing issues and alternatives found not to warrant detailed analysis.

10. Determine public scoping needs

- a. Consider the nature of the proposal, level of interest, and potential controversy to determine the appropriate level of public involvement.
- b. Identify any public meetings to be held during the scoping period.
- c. Develop materials, presentations, and secure meeting locations.
- d. If conducting virtual public meetings consider the April 10, 2020, Office of Environmental Policy and Compliance Memo “Interim Guidance for National Environmental Policy Act Processes - Public Participation and Document Schedules During COVID-19” (DOI Community of Practice SharePoint site).
<https://doimspp.sharepoint.com/sites/doi-nepa-mip-cop/Shared%20Documents/Forms/AllItems.aspx>

11. Establish decision file management

- a. Identify the format and procedures for creating the decision file.
- b. Explain to staff and contractors, the expectations, roles, and responsibilities in building the decision file.
- c. Ensure all staff, including contractors have the necessary access to build the decision file as the project progresses.

General Best Practices

1. Use the minimum necessary level of NEPA review.

- a. Consider whether a Determination of NEPA Adequacy (DNA), Categorical Exclusion (CX), or adoption of another office’s or bureau’s analysis is appropriate.

2. Use existing NEPA analysis when possible:

- a. Incorporate by reference – refer to other available documents (including other project level EAs) that cover similar issues, effects, and/or resources being considered in your NEPA analysis. H-1790-1 pgs. 25-27. See also DSPN Academy tiering and incorporation by reference video <https://krc.blm.gov/viewresource.php?courseID=1097>
- b. Tier to completed broader EAs or EISs to narrow the scope of the analysis when appropriate (e.g., the proposed action is consistent with the decision associated with the broader action, such as RMPs, Programmatic EAs and EISs) H-1790-1 pgs. 25-28.
- c. Use ePlanning to see examples of EAs, Findings of No Significant Impact and Decision Records for different resources and uses.

3. Consider project design features

- a. Determine whether the application of design features could eliminate potentially significant issues from the need for detailed analysis (i.e., eliminate potentially significant impacts to migratory birds by applying a timing stipulation that prohibits construction activities during nesting season, or requiring preventative measures to guard against potential spread of noxious plants).

4. Focus analysis on relevant issues.

- a. Use an issue based NEPA approach to ensure analysis addresses only potentially significant issues or those issues necessary to make a reasoned choice between alternatives.
- b. See IB 2019-041 for Issue-Based EA Examples. <https://www.blm.gov/policy/ib-2019-041>

5. Track project performance

- a. Use a project schedule and tracking system such as Microsoft Project on SharePoint, to track whether the ID team and CAs are meeting the established schedule milestones.
- b. Elevate to management when milestones are, or are expected to be, missed or extended.
- c. Keep project status in ePlanning up to date.
- d. If external factors such as project sponsor, local, state, or tribal governments are impeding progress, pause the project if resolution is expected within a few weeks. If resolution will take many months, withdraw the project and start over when the project is ready to proceed. **Note:** the ePlanning pause status will not stop the ePlanning clock, the pause status is only intended as way of notifying the public that the project is paused (project status is visible on the search results page). Offices should adjust the ePlanning "Project Start Date" to reflect starts/stops in the project.
- e. Consider core workdays for staff to work on EA development and review.

6. Synchronize reviews

- a. Provide concurrent staff, management, and CA reviews. Don't forget Solicitor review, if needed.

7. Develop readable documents

- a. Format documents to make them more readable and reduce page size.
- b. Remove blank pages between sections, use tables and maps to shorten text, put lengthy data, descriptions of environmental components, or other information that supports analysis in the appendices.
- c. Use weblinks to make reference materials available, such as when incorporating by reference, and provide full title and citation information (authoring agency and year) for all tiered and referenced NEPA documents (such as resource management plans, environmental impact statements, and records of decision).
- d. Post reference documents, reports, maps etc. under the "Documents" tab of the project page/site in the ePlanning NEPA Register.
- e. Put other supporting material in the Decision File and make available to the public if requested.

Training

1.
 - a. Ensure management and resource staff receive on-going, relevant NEPA training (Issue-based NEPA, NEPA Analysis for EAs, Technical Writing etc.).
 - b. Ensure staff is trained in project management and the NEPA process.

- c. Train staff and encourage use of templates and collaboration tools such as Microsoft Teams and SharePoint. Cloud-based Microsoft Word documents shared via SharePoint, One Drive, and Teams are useful for allowing simultaneous work by multiple authors while maintaining a single version.
- d. Train staff and encourage use of ePlanning tools for comment submission, organization, coding, and reporting.
- e. Review DSPN Academy NEPA Resource Material Available on the BLM NTC Knowledge Resource Center site. <https://krc.blm.gov/viewresource.php?courseID=1093>

Management Tools

- 1.
 - a. Plan for, support, and prioritize staff work in order to meet condensed timeframes and allow for thoughtful development of concise NEPA documents.
 - b. Attend ID team meetings and determine issues for analysis with staff input.
 - c. Maintain an ongoing, high level of government-to-government consultation.
 - d. Have regular meetings with tribal contacts so relationships and communication procedures are established and as robust as possible before project-specific consultation is required.
 - e. Meet regularly to strengthen/maintain partnerships with local and state governments and other federal agencies.