




# NEPA Streamlining Tools and Techniques *BLM Renewable Energy Summit*

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## NEPA under ARRA and the New Energy Frontier



### SUCCESS = 1 + 2

1. Projects on the ground
2. Compliance with NEPA and all environmental laws

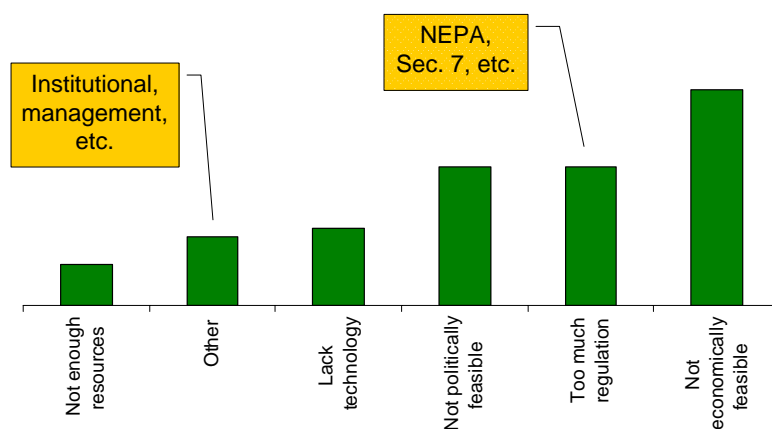


## Is Success Attainable?

- Energy and transmission line projects are complex and multifaceted.
- National and Western Governors Associations identified the following as barriers to energy development:
  - Federal regulatory processes (e.g., NEPA)
  - Federal agency priorities and performance



## Why respondents think we will not reach renewable energy targets?



Source: EMPSi Survey on Renewable Energy, May 2009.



## Is Success Attainable?

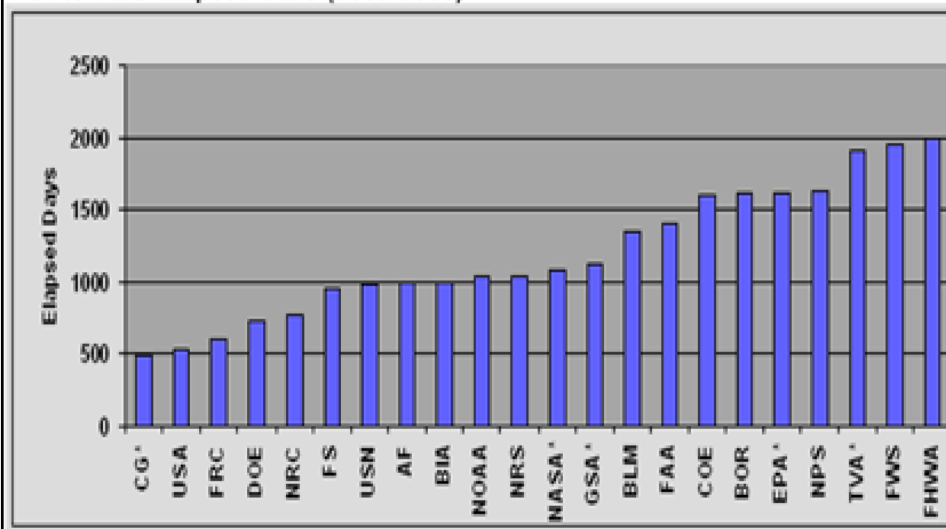
Is the problem real? Yes!

Can it be overcome in a timely manner?  
Yes!



## How long does NEPA take? EMPSi Research on EISs

NOI to FEIS Elapsed Time (2005-2006)



## Do NEPA processes have delays?

- “What percent of your projects were delayed?”
  - BLM 42%
  - BOR 54%
  - FS 67%
  - NPS 52%
- Top Reasons?
  - Decision-makers changed project
  - Project was challenged in court
  - Poor document; needed to be re-done
  - Alternatives changed or added
  - Coordination with ESA & other natural resource regulations



## Survey

### Does NEPA lead to better projects?

*Responders felt that NEPA leads to a better project because*

- we better define the project description and any alternatives early in the process.
- NEPA facilitates internal discussion and analysis that might otherwise not happen



## Is NEPA the problem? No!

Considering anything you deem relevant, which of the following is more likely to account for a delay in a project?

32% NEPA process

68% Factors outside of the NEPA process



## EMPSi Case Studies

- Geothermal Leasing in the 12 Western States Programmatic EIS = 18 months
- DOE First Renewable Energy Loan Application EA = 4 months
- Coast Guard Nationwide Programmatic EIS for Deepwater Program = 14 months
- Coast Guard National Programmatic EA for Reorganization = 6 months





## Institutional Keys to Success

- Selection of strong, capable, committed project managers
- Clear communication and follow-on support for the projects by senior political and executive leadership
- Coordination, cooperation, and group hugs between agencies



## Institutional Keys to Success

- Maintain centralized control of the review process
  - Create regional centralized NEPA task forces to manage and control expedited projects
  - MOUs with regulatory agencies for expectations and timelines (see SAFETEA-LU 23 CFR Sec. 139[d])
  - Involve regulators in developing mitigation



## Institutional Keys to Success

- Educate legislation for streamlining
  - Healthy Forest Restoration Act
  - Vision 100-Century of Aviation Reauthorization Act
  - SAFETEA-LU
  - Energy Policy Act of 2005



## Managerial Keys to Success



- Attributes of successful managers:
  - Core technical, managerial, and diplomatic skills; demonstrated agility; and are residents of the project area
  - Good managers do not need to be NEPA experts; they excel at managing processes
  - Support by senior executives and political leaders who are committed to renewable energy





## Managerial Keys to Success

- Enact innovative project management
  - Subject matter managers
  - Develop project templates to guide development of similar projects (e.g., P&N)
    - Case study: Army NEPA for BRAC actions
  - Use supplemental EAs to update existing documents
  - Use technology to reach out to agencies, stakeholders, etc.



## Procedural Keys to Success

- Follow the intent of NEPA
  - Informed decision making and public disclosure
  - The courts do not expect perfection
    - Let a draft be a draft
  - Hard look, rule of reasonableness, and good faith effort
- Use appropriate scope
  - EA is not a mini-EIS



## Five Reasons NOT to do NEPA

- Action is Congressionally exempt
- No federal action or nexus
- Proposal does not exist
- Project is not ripe
  - Conduct due diligence to verify project's validity
- Action is covered by another NEPA document
  - Programmatic EIS or land use plan



## *Top Ten List:* Tools to Survive Renewable NEPA

1. NEPA is value engineering
2. Involve management and leadership throughout the process
3. Well defined Purpose and Need Statements



*Top Ten List:*  
Tools to Survive Renewable NEPA

4. Well defined proposed action
  - Who, what, when, where, how?
5. Keep it on scope
  - Issue driven (BLM NEPA Handbook 6.4)
  - Impacts proportionate to their significance



*Top Ten List:*  
Tools to Survive Renewable NEPA

6. Implement Innovative Ideas!
  - Require DOPAAs
    - Develop a complete project description and purpose and need early and get buy off!
  - Adopt adaptive mitigation
    - Interagency cooperation is developing acceptable methods to address uncertain impacts



*Top Ten List:*  
Tools to Survive Renewable NEPA

7. Set a schedule and stick to it!

- Staff for them
- Build in critical paths
  - Consultation
  - NOI/NOA timelines
- Overlap independent tasks
  - Governor's consistency review with protest
  - Affected environment with scoping



*Top Ten List:*  
Tools to Survive Renewable NEPA

8. Remember - Presentation is everything!

- Present data effectively
- Prepare concise, public friendly documents
  - Majority of citizens tested showed no better understanding of a project after they read the project's EIS document than they had before they read it. (Univ. of Illinois, 1996)



*Top Ten List:*  
Tools to Survive Renewable NEPA

9. Use Strike Teams to develop, review, and complete documents

- PM, P&EC, Public Affairs, solicitors, resource program staff, writer editor, etc.



*Top Ten List:*  
Tools to Survive Renewable NEPA

10. Communicate, communicate, communicate

- ✓ Do not limit public involvement!
- ✓ Conduct proactive outreach
- ✓ Meet early and frequently with stakeholders
- ✓ Establish expectations and issues
- ✓ The public is not the boogeyman





## Applicants: **Five** Keys for a Successful Permitting Process

1. Regulators are not monsters – it is all about relationships.
2. Establish a project advocate to partner with the federal agency
3. Know the environmental laws and fundamentals of compliance
4. Do your homework – document the data, survey, review the land use plan, plan ahead...
5. Value engineering - Use the process (e.g., NEPA) to your advantage



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