

**Management System: Environment, Safety, and Health**

**Subject Area: Environmental Compliance**

**Procedure: NEPA Environmental Impact Statements (EIS) Process**

**Issue Date and Revision Number:**

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**1.0 Applicability**

This Procedure applies to Environmental Management Consolidated Business Center (EMCBC) and/or Service Level Agreement (SLA) staffs who prepare, review, or approve National Environmental Policy Act (NEPA) Environmental Impact Statement Determinations (EISDs), Environmental Impact Statements (EISs), or Records of Decision (RODs) for EM actions. This includes the U.S. Department of Energy (DOE) Headquarters (HQ), EMCBC Director, SLA Directors/Federal Project Directors, line program/project managers, NEPA compliance officers (NCOs), NEPA document managers (NDMs), reality officers, contracting officers, legal counsel, and public affairs/communications specialists.

**2.0 Required Procedure**

<p><b>Step 1</b></p>	<p>If either the EMCBC Supplemental Analysis Process or SAP-OTSAM-451B-01, Rev. 0, <i>Establishing the Level of National Environmental Policy Act (NEPA) Review and Documentation</i>, results in an NCO recommendation to prepare an EIS, the NCO with the assistance of the responsible line organization, prepares an EISD memorandum to facilitate a formal determination by the EMCBC Director/SLA Director/FPD.</p> <p>The EISD includes:</p> <ul style="list-style-type: none"> <li>• Title of the proposed action and the name of the project;</li> <li>• Location of the action;</li> <li>• Brief description of the proposed action and potential issues;</li> <li>• Class of the actions to be applied from 10 CFR 1021, Appendix D to Subpart D of Part 1021—Classes of Actions that Normally Require EISs;</li> </ul>
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	<ul style="list-style-type: none"> <li>• Justification for recommendation, including a comparison against any potentially applicable category of actions in 10 CFR 1021, Appendix C to Subpart D of Part 021—Classes of Actions that Normally Require EAs but not Necessarily EISs;</li> <li>• Designation of the NDM;</li> <li>• Managing historic and cultural resources and complying with the Endangered Species Act</li> <li>• Signature line for the NCO;</li> <li>• Concurrence by EMCBC Office of Technical Support and Asset Management Assistant Director, line program/project manager(s) responsible for the proposed action, legal Counsel, local public affairs/communications manager, and other non-line management staff as deemed appropriate by the NCO; and</li> <li>• Approval line for the EMCBC Director or SLA Director/FPD.</li> </ul> <p>The EISD is constructed similar to the Environmental Assessment Determination.</p> <p><b>NOTE:</b> For complex actions, the NCO may initiate early internal scoping prior to the EISD.</p>
<b>Step 2</b>	<p>Following approval of the EISD, the NCO, with the assistance of the NDM, obtains an EIS document number from the DOE HQ Office of NEPA Policy and Compliance (GC-54). The following information is to be provided:</p> <ul style="list-style-type: none"> <li>• Contact Information             <ul style="list-style-type: none"> <li>○ NCO</li> <li>○ NDM</li> </ul> </li> <li>• Name of the project</li> <li>• Location</li> <li>• Short description</li> <li>• Tentative cost estimate</li> <li>• Tentative milestones (dates)             <ul style="list-style-type: none"> <li>○ Determination</li> <li>○ Notice of Intent (NOI)</li> <li>○ Scoping period</li> <li>○ Draft</li> <li>○ Hearings</li> <li>○ Final</li> </ul> </li> <li>• ROD(s)</li> </ul>
<b>Step 3</b>	<p>The NCO instructs the NDM concerning the duties of that position.</p>
<b>Step 4</b>	<p>The NDM, in consultation with the NCO and legal counsel, commences maintenance of the official administrative record in accordance with applicable EMCBC, SLA, or Field Operation Site office records management requirements.</p>

<b>Step 5</b>	The NDM commences routine reporting that includes preparing NEPA annual planning summaries and monthly reports.
<b>Step 6</b>	The NCO should commence early outreach to host state(s) and tribe(s), other Federal and local government officials, and other appropriate stakeholders (if any).
<b>Step 7</b>	The NDM seeks the cooperation of other potentially involved/interested agencies, including Federal, state, local, tribal, and nongovernmental entities, as needed. In consultation with the EMCBC Director or SLA Director/FPD, legal counsel, and program/project management, invite these other organizations to be cooperating agencies on the NEPA document.
<b>Step 8</b>	<p>The NDM, in consultation with the NCO, assembles the NEPA project team. The members of the NEPA project team could (depending on the complexity, degree of public concern, or the level of controversy regarding the action) include the following:</p> <ul style="list-style-type: none"> <li>• DOE program/project manager</li> <li>• NCO or representative designated by the NCO</li> <li>• Legal counsel (serves as an advisor to the NEPA project team)</li> <li>• Community/public relations specialist</li> <li>• NEPA document preparer/contractor</li> <li>• Other program or technical specialists, as needed</li> <li>• Representatives from cooperating agencies</li> </ul>
<b>Step 9</b>	Although not required, in consultation with the NCO the NDM may prepare specific QA plans and public participation plans. The NDM may also prepare an implementation plan (IP).
<b>Step 10</b>	The NDM, with support from the NCO and DOE program manager/project director, obtains a NEPA document preparer/contractor. This will be done in coordination with and lead by the EMCBC Office of Contracting.
<b>Step 11</b>	<p>The NDM, with the support of the NCO, leads the NEPA project team in internal scoping to identify the issues and alternatives to be evaluated and the depth of analysis required.</p> <p>At a minimum, the NDM and NEPA document preparer/contractor provide the NEPA project team members with the following information at or prior to the first internal scoping meeting:</p> <ul style="list-style-type: none"> <li>• Draft NEPA project team charter</li> <li>• A copy of the approved environmental checklist (See EMCBC Procedure , SAP-OTSAM-451B-01, <i>Establishing the Level of National Environmental Policy Act [NEPA] Review and Documentation</i>),</li> <li>• A copy of the EISD,</li> <li>• Copies of relevant guidance,</li> </ul>

	<ul style="list-style-type: none"> <li>• Discussion draft planning documents (e.g., QA plans and public participation plans),</li> <li>• Discussion draft material on the purpose and need for the proposed action,</li> <li>• Preliminary alternatives,</li> <li>• Preliminary annotated outline and analysis approach,</li> <li>• Preliminary schedule,</li> <li>• Preliminary draft material on a description of the proposed action, including conceptual design reports,</li> <li>• Summary material on related NEPA reviews, and</li> <li>• Discussion draft NOI to Prepare an EIS, to Open a Public Scoping Period, and to Conduct a Public Scoping Meeting.</li> </ul> <p>The number and format of the internal scoping meetings are to be commensurate with the complexity of the action and the degree of public interest. The internal scoping process for an EIS is considered complete when the NEPA project team reaches a preliminary consensus on the scope of the EIS, the technical approach to the NEPA process, document organization, and for a data call necessary for NEPA document preparation.</p>
<b>Step 12</b>	<p>The NDM initiates the public participation process by preparing a NOI to prepare an EIS, to open a public scoping period, and to conduct a public scoping meeting(s) in the Federal Register. The NOI is submitted to GC-54 for issuance through the Federal Register liaison in the DOE HQ Office of Deputy General Counsel for Energy Policy (GC-70). The scoping period is a minimum of 30 days. Public scoping meetings should not be held until at least 15 days after public notification. The NCO should personally notify the host state(s) and tribe(s), other Federal and local government officials, and other appropriate stakeholders (if any).</p>
<b>Step 13</b>	<p>The NDM, with support from the NCO, plans for and conducts the public scoping meeting.</p>
<b>Step 14</b>	<p>After the close of the scoping period, the NDM and NCO, with the assistance of the NEPA document preparer/contractor and other NEPA project team members, review all written and oral public comments submitted during the scoping period. The NDM participates in resolving public comments and assists in finalizing the scope of the EIS and the alternatives that will be evaluated. The IP (if prepared) is updated to reflect the final scope.</p>
<b>Step 15</b>	<p>The NEPA document preparer/contractor commences preparation of the EIS.</p>
<b>Step 16</b>	<p>The NDM, NCO, with the assistance of the NEPA document preparer/contractor, transmits official requests for consultation to other Federal agencies with jurisdiction over the proposed action, including the U.S. Fish and Wildlife Service (FWS; under Section 7 of the Endangered Species Act); the U.S. Army Corps of Engineers and appropriate state agencies (under Section</p>

	404 of the Clean Water Act); and the State/Tribal Historic Preservation Officer (under Section 106, National Historic Preservation Act). The NDM ensures that these requirements are met, with few exceptions, prior to release of the final draft EIS.
<b>Step 17</b>	During document preparation, the NDM, with support from the NCO and legal counsel, ensures that the final draft EIS is prepared in accordance with the DOE NEPA Guidance: Revised Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements (The Green Book), 2nd Edition, and other relevant guidance.
<b>Step 18</b>	<ol style="list-style-type: none"> <li>a. Subsequent to completion, the NEPA project team reviews the final draft EIS, ensuring that it: <ul style="list-style-type: none"> <li>• Demonstrates that the agency fully considered the available data.</li> <li>• Presents a credible reasoned analysis commensurate with the significance of the impacts of the proposed action and alternatives.</li> <li>• Incorporates appropriate mitigation.</li> </ul> </li> <li>b. The NEPA project team is to use the Environmental Impact Statement Checklist to assist in developing comments.</li> <li>c. The NDM provides a roll up of NEPA project team comments to the NEPA document preparer, interfacing with NEPA project team members and the NEPA document preparer as appropriate, to ensure comments are addressed in subsequent drafts of the EIS.</li> </ol>
<b>Step 19</b>	The NEPA document preparer reworks the EIS until an adequate final draft is obtained. If the NEPA document preparer/contractor is unable to produce an adequate product, the NDM, in coordination with the DOE project director and DOE contracting officer will need to obtain a new NEPA document preparer/contractor. This will only occur in rare cases but the projects and NDM need to prepare for this possible occurrence.
<b>Step 20</b>	The NDM arranges for a classification review of the final draft EIS prior to public release.
<b>Step 21</b>	The NDM prepares a cover memorandum to transmit the final draft EIS from the EMCBC Director/SLA Director/FPD through EM-2 for concurrence.
<b>Step 22</b>	EM-2 transmits the final draft EIS to GC-54 for approval. The GC-54 Director and the DOE HQ Deputy General Counsel for Environment and Compliance (GC 50) minimally concur.
<b>Step 23</b>	The EM-2 requests delegation to themselves or EMCBC Director/SLA Director/FPD from GC 1 through GC-54 for subsequent approval of the final draft EIS. <b>NOTE:</b> This step can occur at any point during the EIS process.
<b>Step 24</b>	<ol style="list-style-type: none"> <li>a. The NDM, in conjunction with GC-54, ensures that the final draft</li> </ol>

	<p>EIS is appropriately filed with the U.S. Environmental Protection Agency (EPA) according to its “Submitting Environmental Impact Statements” instructions. Statements must be filed with EPA no earlier than they are transmitted to commenting agencies and made available to the public.</p> <p>b. The EPA publishes a Notice of Availability in the Federal Register.</p>
<b>Step 25</b>	<p>In accordance with EMCBC Procedure , PP-OTSAM-451B-05, <i>Conducting Public Participation Under the National Environmental Policy Act (NEPA)</i>:</p> <p>a. NDM, with support from the Local Public affairs/communications Staff, places notification of availability of the final draft EIS in the local media and posts it on the web.</p> <p>b. The NCO, with support from legal counsel and Local Public affairs/communications Staff, prepares letters to the host state(s), tribe(s), other Federal and local government stakeholders, and the general public to request comment. At EMCBC Director/SLA Director/FPD discretion, the signing of these letters may be delegated.</p>
<b>Step 26</b>	<p>The NDM ensures that states, tribes, other Federal and local agencies, and the public have at least 45 calendar days to review and comment on the final draft EIS, beginning with EPA's publication of the Notice of Availability.</p>
<b>Step 27</b>	<p>The NDM and NCO provide two paper copies of the final draft EIS, an electronic file for posting on line, and a completed DOE NEPA Document Certification and Transmittal Form to GC-54.</p>
<b>Step 28</b>	<p>The NDM ensures that at least one public hearing is scheduled (with at least 15 days advance notice and within the public comment period) to receive comments on the final draft EIS. The public hearing is to be conducted in accordance with EMCBC Procedure, <i>Conducting Public Participation Under the National Environmental Policy Act (NEPA)</i>.</p>
<b>Step 29</b>	<p>Subsequent to the comment period, the NDM compiles the comments on the final draft EIS and assembles the NEPA project team to discuss them and to decide if they warrant further investigation or updates to the final draft EIS. Those comments received late are considered to the extent possible. The NEPA project team provides any necessary additional comments to the NEPA document preparer/contractor.</p>
<b>Step 30</b>	<p>The NEPA document preparer/contractor makes necessary changes to the final draft EIS and prepares a comment/response appendix that is included in the preliminary final EIS (preliminary FEIS).</p>
<b>Step 31</b>	<p>a. The NEPA project team conducts a final quality review of the document and makes comments as appropriate.</p>

	<p>b. The NDM coordinates as necessary with internal and external individuals and organizations (e.g., NCO, GC-54, cooperating agencies) to ensure that the FEIS is sufficient to support approval by GC-54 (or EMCBC Director/FPDs if delegated) and subsequent RODs.</p>
<b>Step 32</b>	The NDM, as necessary, repeats the preceding two steps until an adequate preliminary FEIS is obtained.
<b>Step 33</b>	The NDM ensures that a security review of the preliminary FEIS is conducted prior to public release.
<b>Step 34</b>	<p>The NCO prepares a recommendation memorandum to the decision maker to approve the EIS. If delegation has been granted, the NCO prepares a recommendation to the EMCBC Director/FPD. It may take the form of an action memorandum, signed by the NCO with an approval line for the EMCBC Director/FPD, or it may be a memorandum signed directly by the EMCBC Director/FPD. Copies of the FEIS are attached. The concurrence chain includes at a minimum the NCO, chief counsel, line program/project manager, and the local public affairs/communications manager.</p> <p>If delegation has not been granted, following EMCBC Director/FPD concurrence, the EMCBC Director/FPD transmits the concurrence package to GC-1 through GC-54 for approval. The concurrence chain minimally includes the GC-54 Director and GC-50.</p>
<b>Step 35</b>	The NDM, in conjunction with GC-54, ensures that the FEIS is appropriately filed with the EPA according to their “Submitting Environmental Impact Statements” instructions.
<b>Step 36</b>	<p>The NDM coordinates public release of the FEIS with the office’s communications manager who ensures that notification is published in the local newspaper(s). The notification states where copies of the FEIS are available and provides an address for individuals who want to request a copy. The NDM distributes the FEIS (normally within two weeks of approval and issuance of the Notice of Availability) as follows:</p> <ul style="list-style-type: none"> <li>• Host state/tribe planning and environmental departments</li> <li>• Adjacent affected states (if appropriate)</li> <li>• DOE HQ or EMCBC/SLA reading room</li> <li>• DOE HQ Office of General Counsel, Office of NEPA Policy and Compliance (GC-54) (three hard copies, one Adobe Acrobat PDF electronic copy)</li> <li>• NCO (number of copies to be determined)</li> <li>• NEPA project team members (number of copies to be determined)</li> </ul> <p>Other interested agencies, organizations, or individuals may receive a copy of</p>

	the documents upon request. Although GC-54 makes nearly all EISs available on its internet site, posting is not immediate. Hence, the NDM must consider making it available on another internet site.
<b>Step 37</b>	The NDM, with support from GC-70, publishes ROD(s) in the Federal Register. FEISs must be filed with EPA for a minimum 30 day “waiting period,” beginning with an EPA publication of a Notice of Availability, before ROD(s) may be issued.
<b>Step 38</b>	The NDM, with support from the NCO and other members of the NEPA project team, prepares, as necessary, a “mitigation action plan” and begin annual reporting.
<b>Step 39</b>	The NDM, with support from the NCO and other members of the NEPA project team, completes the Lessons Learned Questionnaire, Revision III.
<b>Step 40</b>	The administrative record is closed out and maintained in accordance with applicable EMCBC, SLA, or Field Operation Site office records management requirements.

### 3.0 References – Forms/Attachments/Exhibits

#### 3.1 References

- 10 CFR Part 1021, U.S. Department of Energy (DOE): National Environmental Policy Act (NEPA) Implementing Procedures
- Preamble: 10 CFR Part 1021, DOE NEPA Rulemaking Process
- 10 CFR 1021, Appendix C to Subpart D of Part 1021—Classes of Actions that Normally Require EAs but not Necessarily EISs
- 10 CFR 1021, Appendix D to Subpart D of Part 1021—Classes of Actions that Normally Require EISs
- 40 CFR Part 1500 - 1508, Council on Environmental Quality (CEQ): Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA)
- DOE O 451.1B, Admin. Change 3, National Environmental Policy Act Compliance Program (01/19/2012)
- 16 U.S.C. 470, National Historic Preservation Act (NHPA) of 1966, as Amended
- Section 106, "16 U.S.C. 470f — Advisory Council on Historic Preservation, Comment on Federal Undertakings"
- 16 U.S.C. 1531 et. seq., Endangered Species Act of 1973, as Amended
- Section 7, "Interagency Cooperation"
- 33 U.S.C. 1251 et seq., Clean Water Act, as Amended
- Section 404, "Permits for Dredged or Fill Material"
- 42 U.S.C. 4321 et seq., National Environmental Policy Act (NEPA) of 1969, as Amended
- 42 U.S.C., Section 4371, Environmental Quality Improvement Act of 1970

## 4.0 Records Generated

Records generated by the EMCBC through implementation of this procedure are identified as follows and are maintained by the Office of Technical Support & Asset Management in accordance with the EMCBC Organizational File Plan. : SLA and Field Operation Sites shall maintain records generated through implementation of this procedure under the same records category code that is the equivalent to the DOE records disposition authority, and are managed in accordance with their respective site file plan.

<b>Records Category Code</b>	<b>Records Title</b>	<b>Responsible Organization</b>	<b>Quality Records Classification (Lifetime, Non-Permanent, or Non-Applicable)</b>
ENV-02-F-01C	National Environmental Policy Act and Related Laws Documentation, Environmental Impact Statement	Office of Technical Support & Asset Management, or applicable SLA or Field Operation Site Office	Not Applicable
ENV-02-F-04	National Environmental Policy Act and Related Laws Documentation, Support Documentation	Office of Technical Support & Asset Management, or applicable SLA or Field Operation Site Office	Not Applicable

**EMCBC RECORD OF REVISION**

**DOCUMENT TITLE:** NEPA Environmental Impact Statement Process

If there are changes to the controlled document before the two-year review cycle, the revision number stays the same; one of the following will indicate the change:

**I** Placing a vertical black line in the left margin adjacent to sentence or paragraph that was revised; or

**I** Placing the words GENERAL REVISION at the beginning of the text. This statement is used when entire sections of the document are revised.

If changes and updates occur at the two-year review cycle, the revision number increases by one.

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<b>Rev. No.</b>	<b>Description of Changes</b>	<b>Revision on Pages</b>	<b>Date</b>
0	Revised Document to align with new Executive Order 13693 requirements	All	09/26/16