

CENTER FOR NUCLEAR WASTE REGULATORY ANALYSES

TRIP REPORT

SUBJECT: Implementation of the National Environmental Policy Act
(AI No. 06002.01.011.020)

DATE/PLACE: January 24–28, 2005; Durham, North Carolina

AUTHOR: Bradley Werling

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PERSONS PRESENT:

Bradley Werling of the Center for Nuclear Waste Regulatory Analyses (CNWRA) participated in the Implementation of the National Environmental Policy Act training course January 24–28, 2005 in Durham, North Carolina. See Attachments 1 and 2 for the list of students and instructors.

BACKGROUND AND PURPOSE OF TRIP:

This trip was part of ongoing CNWRA professional development training. The course is designed to provide project managers an overview of the National Environmental Policy Act process to help streamline the environmental permitting process for federal activities and to improve preparation and review of environmental assessments, environmental impact statements, and other National Environmental Policy Act analyses. The course is offered by the Duke Environmental Leadership Program, a part of Duke University's Executive Education Program, and is co-sponsored by the White House Council on Environmental Quality. The course facilitator, Mr. Ray Clark, has been a lead instructor in the Duke Environmental Leadership Program since 1988 and is President of the Clark Group, a consulting firm specializing in environmental and energy matters.

The National Environmental Policy Act, enacted in 1969, established national environmental policy and goals and provides a procedural framework for implementing these goals. The National Environmental Policy Act requires federal agencies to consider environmental impacts, both beneficial and adverse, for major Federal actions significantly affecting the quality of the human environment. The National Environmental Policy Act process is intended to foster public participation and help public officials make decisions that are based on understanding of environmental consequences.

SUMMARY OF PERTINENT POINTS AND ACTIVITIES:

The course was organized to provide a brief overview of the National Environmental Policy Act followed by more in depth discussions on topics such as defining the purpose and need for the proposed action, identifying significant issues, developing alternative actions, gathering data, analyzing and comparing impacts, and preparing documents that incorporate this information. The goal of this process is to provide decision makers with a rational framework for choosing a course of action. This course of action does not need to be the alternative with the least environmental impact.

Throughout the course, instructors emphasized that the National Environmental Policy Act is not just a requirement but a process that can be used for making good, defensible decisions. It is about open government, communication with the public, and protection of the environment. Another course emphasis was the importance of applying the National Environmental Policy Act process in the early planning stages, particularly early involvement by shareholders and the public. This helps reduce delay by identifying and incorporating all of the significant issues at the beginning of the decision making process.

Instructors emphasized important considerations for preparing National Environmental Policy Act documents such as environmental impact statements and environmental assessments. These documents should reflect National Environmental Policy Act purposes by focusing on issues that are truly significant to the action instead of amassing needless detail. It is also important to tailor the information for the intended audience: the general public and public officials.

The course consisted of lectures, case studies, and a group exercise. See Attachment 3 for the agenda. During the lectures, instructors encouraged discussion and questioning. The class was divided into four work groups. Each work group was provided a unique problem and asked to identify the National Environmental Policy Act requirements and discuss how to address these requirements. Each group presented their analyses in front of the class at the end of the week.

CONCLUSIONS:

Course participants came from diverse organizations. Federal agencies including the Federal Aviation Administration, General Services Administration, and branches of the U.S. military were well represented among the participants. Consultants were well represented among the participants. Diversity was also found among the course instructors who came from various government agencies and several law and consulting firms. Perspectives from a wide variety of outlooks were helpful.

PROBLEMS ENCOUNTERED:

None.

PENDING ACTIONS:

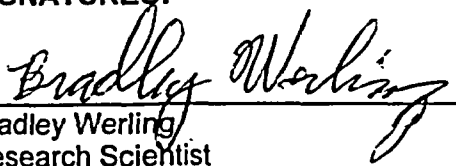
None.

RECOMMENDATIONS:

This course provides an excellent overview of the entire National Environmental Policy Act process and how to implement the requirements throughout the process. This course is highly recommended for project managers who are involved with National Environmental Policy Act process activities. This course is also beneficial for individuals who wish to understand the whole process so they have a context for the areas in which they are involved. The Duke Environmental Leadership Program also offers courses that examine specific areas of the National Environmental Policy Act process in more detail such as preparing and documenting environmental impact analyses. These courses may be more appropriate for entry or junior

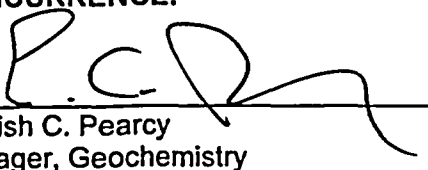
level staff whose responsibilities are limited to certain portions of National Environmental Policy Act the National Environmental Policy Act process like preparing or reviewing National Environmental Policy Act documents such as environmental impact statements and environmental assessments.

SIGNATURES:

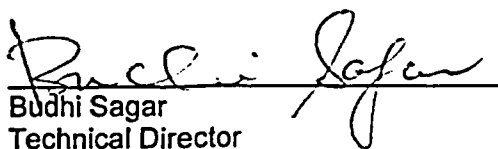

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Research Scientist

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Date

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Attachment 1

IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT

DUKE ENVIRONMENTAL LEADERSHIP PROGRAM
DUKE UNIVERSITY'S NICHOLAS SCHOOL OF THE ENVIRONMENT
AND EARTH SCIENCES

JANUARY 24 - JANUARY 28, 2005

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Attachment 2

IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT

DUKE ENVIRONMENTAL LEADERSHIP PROGRAM
DUKE UNIVERSITY'S NICHOLAS SCHOOL OF THE ENVIRONMENT
AND EARTH SCIENCES

JANUARY 24 - JANUARY 28, 2005

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Attachment 3

IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT

**DUKE ENVIRONMENTAL LEADERSHIP PROGRAM
DUKE UNIVERSITY'S NICHOLAS SCHOOL OF THE ENVIRONMENT AND EARTH SCIENCES**

JANUARY 24 – 28, 2005

AGENDA

**MONDAY
JANUARY 24, 2005**

Pre-assignment: Read the *National Environmental Policy Act*

8:15-8:45	Welcome and Introductions Deb Hall and Ray Clark
8:45-9:00	Course Overview and Objectives Ray Clark
9:00-9:45	Brief History: Land Use, Conservation and Regulation Ray Clark
9:45-10:00	Break
10:00-11:00	Legislative History and Intent of NEPA Dinah Bear
11:00-11:15	Break
11:15-12:15	Introduction to CEQ Regulations Dinah Bear
12:15-1:30	Campus Tour and Lunch Deb Hall
1:30-3:00	Purpose and Need, Proposed Action and Scoping Ray Clark
3:00-3:15	Break
3:15-4:00	Exercise in Defining Purpose and Need Ray Clark
4:00-5:00	Role of the Public Debi Richards Rogers
5:00-6:00	Reception & Cocktail Hour

Homework: Read the *Council on Environmental Quality Regulations*

Please note: All agenda times are approximate and may change to accommodate discussion.

**TUESDAY
JANUARY 25, 2005**

8:15-8:30	Review Yesterday's Session Ray Clark
8:30-9:30	Case Study: Description of Purpose and Need/Proposed Action Lisa Mahoney
9:30-9:45	Break
9:45-10:45	Public Involvement Case Study Debi Richards Rogers
10:45-11:00	Break
11:00-12:00	EPA's Review of Environmental Impact Statements Kimberley DePaul
12:00-12:15	Outline Work Group Problem Ray Clark
12:15-2:00	Work Groups Meet: Define Purpose and Need Lunch
2:00-2:45	Alternatives Analysis Ray Clark
2:45-3:00	Break
3:00-4:00	Designing and Comparing Alternatives David Yentzer
4:00-4:15	Break
4:15-5:00	Contracting for Environmental Impact Analyses David Yentzer

Homework: Read *Rationality and Logic of NEPA*, by Robert Bartlett (in reference section with Tuesday documents)

Please note: All agenda times are approximate and may change to accommodate discussion.

**WEDNESDAY
JANUARY 26, 2005**

- | | |
|--------------------|--|
| 8:15-8:30 | Review Yesterday's Session
Ray Clark |
| 8:30-9:30 | Environmental Impact Analysis Methodologies
Ron Webster |
| 9:30-9:45 | Break |
| 9:45-10:45 | Economic Impact Analysis
Ron Webster |
| 10:45-11:00 | Break |
| 11:00-12:00 | Determining the Appropriate Scope: Assessing at the Ecosystem
Level and Capturing Cumulative Effects
Ted Boling |
| 12:00-1:00 | Lunch |
| 1:00-1:45 | Case Study: Barbados Sewage Treatment Plant
Ron Webster |
| 1:45-3:00 | Work Groups Exercise: Determine Geographical Scope and Develop a
Matrix for Identification of Impacts |
| 3:00-5:00 | Integrating Social, Economic and Environmental Considerations in
Decision-making
Gene Cleckley |

Please note: All agenda times are approximate and may change to accommodate discussion.

**THURSDAY
JANUARY 27, 2005**

8:15-8:30	Review Yesterday's Session Ray Clark
8:30-9:30	GSA Case Studies: Laredo Border Station George Prochaska
9:30-9:45	Break
9:45-12:00	Social Impact Assessment and Environmental Justice Gary Williams
12:00-1:00	Lunch
1:00-2:30	Work Groups Meet: Continue with Scope, Impact Identification, and Alternatives Development; In-house or Contract; Incorporating Environmental Justice
2:30-3:45	NEPA and American Indian Law Elizabeth Homer
3:45-4:00	Break
4:00-5:00	Current Issues in NEPA Horst Greczmiel

Homework: Read "HYPOTHETICAL: North America International Park, A Joint Venture of Canada and the U.S." (printed on pink paper in notebook)

Please note: All agenda times are approximate and may change to accommodate discussion.

**FRIDAY
JANUARY 28, 2005**

- | | |
|--------------------|---|
| 8:15-8:20 | Review the Week
Ray Clark |
| 8:20-9:20 | Environmental Impact Analysis Abroad
Leslie Johnston |
| 9:20-10:20 | NEPA Law and Litigation
Bill Cohen |
| 10:20-10:45 | Work Groups Meet: Determining Indian Issues; Final Preparation |
| 10:45-11:45 | Group Presentations |

ADVICE TO THE DECISIONMAKERS

- What does NEPA require?
- How will you go about implementing the requirements?

- | | |
|--------------------|---|
| 11:45-12:00 | Course Wrap-up: Discussion and Evaluations |
|--------------------|---|

Please note: All agenda times are approximate and may change to accommodate discussion.