

EagleRockPEm Resource

From: KAY Jim (AREVA NC) [Jim.Kay@areva.com]
Sent: Friday, October 23, 2009 8:06 AM
To: Reilly, Breeda
Subject: FW: Elements Checklist and EA format
Attachments: EA_resource_tbl_blank.docx; Standard EA Forma1.doc

Breeda,

Sorry. I forgot to copy you on this yesterday. We have placed a copy of the September transmission line study (non-proprietary version) report in our Chicago office. Stacy will call Argonne to let them know it's there.

Jim

Jim Kay

Licensing Manager
Eagle Rock Enrichment Facility
AREVA Enrichment Services LLC
400 Donald Lynch Boulevard
Marlborough, MA 01752
Tel: 508-573-6554 (office)
508-641-5375 (cellphone)
Fax: 508-573-6007
jim.kay@areva.com

From: KAY Jim (AREVA NC)
Sent: Thursday, October 22, 2009 4:39 PM
To: Lemont, Stephen
Subject: FW: Elements Checklist and EA format

Steve,

This is what we were given by the BLM for the resource table.

Jim

Jim Kay

Licensing Manager
Eagle Rock Enrichment Facility
AREVA Enrichment Services LLC
400 Donald Lynch Boulevard
Marlborough, MA 01752
Tel: 508-573-6554 (office)
508-641-5375 (cellphone)
Fax: 508-573-6007
jim.kay@areva.com

From: BALLARD Phillip (EXT)
Sent: Thursday, October 22, 2009 4:36 PM

To: KAY Jim (AREVA NC)
Subject: FW: Elements Checklist and EA format

[EA Resource table is the file of interest.](#)

[Phil Ballard](#)

From: Rebecca_Lazdauskas@blm.gov [mailto:Rebecca_Lazdauskas@blm.gov]
Sent: Wednesday, October 14, 2009 11:12 AM
To: BALLARD Phillip (EXT); THOMSON Stacy T (AREVA NP INC)
Subject: Elements Checklist and EA format

Hello-

As we discussed, attached is a a table of resources/uses that we look at for our environmental documents. I will be routed this checklist to staff and will provide to Jace at Northwind once comepleted. Also attached is the format for the Environmental Assessment that we use in this District.

Please let me know if you have any questions.

Thanks,
Becky

Hearing Identifier: AREVA_Eagle_Rock_LA_Public
Email Number: 2

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Subject: FW: Elements Checklist and EA format
Sent Date: 10/23/2009 8:06:23 AM
Received Date: 10/23/2009 8:06:45 AM
From: KAY Jim (AREVA NC)

Created By: Jim.Kay@areva.com

Recipients:
"Reilly, Breeda" <Breeda.Reilly@nrc.gov>
Tracking Status: None

Post Office: AUSLYNCMX02.adom.ad.corp

Files	Size	Date & Time
MESSAGE	1916	10/23/2009 8:06:45 AM
EA_resource_tbl_blank.docx	13949	
Standard EA Forma1.doc	41024	

Options
Priority: Standard
Return Notification: No
Reply Requested: No
Sensitivity: Normal
Expiration Date:
Recipients Received:

Table 5. Resources Considered in the Impact Analysis.

Resource	Not Present	Present Not Impacted	Present Impacted	Rationale
Access				
Air Quality				
Areas of Critical Environmental Concern (ACEC's)				
Cultural Resource				
Economic and Social Values				
Environmental Justice				
Existing and Potential Land Uses				
Fisheries				
Floodplains				
Forest Resources				
Invasive, Non-Native Species				
Mineral Resources				
Migratory Birds				
Native American Religious Concerns				
Paleontological Resources				
Prime and Unique Farmlands				
Range Resources				
Recreational Use				
Soil Resources				
Threatened, Endangered, and Sensitive Plants				
Threatened, Endangered, and Sensitive Animals				I
Threatened, Endangered, and Sensitive Fish				
Tribal Treaty Rights and				

Interests				
Vegetation				
Visual Resources				
Wastes, Hazardous and Solid				
Water Quality (Surface and Ground)				
Wetland and Riparian Zones				
Wild and Scenic Rivers				
Wild Horse and Burro HMAS				
Wilderness and WSAs				
Wildlife				

Below is a format for developing an Environmental Assessment. The information provided in regular type is suggested for inclusion in the document. The information in *italics* type is intended to provide explanation about the content of a section of the EA.

ENVIRONMENTAL ASSESSMENT

Provide heading that includes the EA number; EA name; Project Number or Case File Number (if applicable); preparing Field Office name; and Date of Preparation

INTRODUCTION

Background: *Use this section to set the stage for understanding the proposal. Include pertinent information such as other related actions that bring us to the point of this proposal. One example might be including a brief history associated with an existing pipeline which we are proposing to extend. Another example might be a brief discussion about community expansion that results in the proposed land exchange or right of way that is described and analyzed below. This section would also include public scoping and issues and concerns when they have been identified.*

Type of Action: *Briefly describe – e.g. fence construction; grazing permit renewal; road right-of-way; etc.*

Purpose of and Need for Proposed Action: *This section should present the purpose of and need for the action and should be described in sufficient detail to aid in the development of an appropriate range of alternatives. The proposed action, as described later, should clearly respond to this statement of purpose and need. The information included in this section should not justify the proposed action, but should provide a description of the need to which the proposed action responds. (Remember, this is the purpose and need for the proposal, not for the EA).*

Location of Proposed Action: *Provide a description of the location in relation to a city, town, or generally known location to help “paint the picture” of where the action will take place. Legal description may be used also, but don’t use it alone. Also reference maps or other illustrations as appropriate.*

Conformance With Applicable Land Use Plan: *Include Plan name, date of approval, and a clear statement that the plan has been reviewed and the proposed action is in conformance. To the extent possible, cite the portions of the land use plan which support your assertion that the proposal is in conformance.*

Relationship to Statutes, Regulations or Other Plans: *Include statutory or regulatory provisions germane to the assessment. Include only those necessary to improve understanding of the document. Identify documents to which this one is tiered or which will affect the assessment. Identify state or local permitting requirements necessary to*

implement the action. This section is not intended to contain a “laundry list” of all laws, etc. that may pertain to the action.

PROPOSED ACTION AND ALTERNATIVE(S)

Description of Proposed Action: *Include specific details about who, what, when, where and how the action would be implemented. Also include design features, standard operating procedures, management practices, standard or special stipulations associated with granting of rights-of-way or other applications, or other “mitigating” measures intended to avoid or reduce environmental harm. Whenever possible incorporate such features into the proposed action rather than maintaining them as “mitigation measures.” As a result of Endangered Species Act consultation efforts, additional “terms and conditions” will often need to be added to the proposed action, or negotiated changes to the proposal will be required before concurrence with our proposal will be issued by the NOAA-Fisheries or US Fish and Wildlife Service. Any time additions or changes are made to the proposal, those changes should be documented and additional analyses completed and documented in your NEPA record. Your EA or other appropriate NEPA document should reflect the final proposal with its complete analysis. These same requirements would apply to the description of not only the proposed action, but also to the description of all alternatives analyzed in the EA.*

Description of Alternatives: *At a minimum, a no-action alternative (for new actions) or continuation of existing management alternative (for ongoing actions) will be included unless it can be determined that there are no unresolved conflicts involving alternative uses of available resources – see H-1790-1, IV-3. Any time it is determined that no alternatives to the proposed action are appropriate, it should be carefully documented in the project file as to why that conclusion was reached. Consideration of alternatives should not be limited to only the “no action” alternative, but should also include any alternatives that might reasonably be considered for implementation, or that would provide a useful comparison of impacts among proposals. When presenting alternatives, be sure they are reasonable and are described to the same level of detail as the proposed action.*

Alternatives Considered but not Analyzed in Detail: *(Optional) If an alternative is recommended by another agency or member of the public, but was not analyzed in detail, the reasons for dismissing the alternative should be documented. Appropriate reasons for not analyzing an alternative might be that it isn’t reasonable or doesn’t meet the stated purpose and need for the action. Recent solicitor’s decisions have demonstrated that we should not be dismissing an alternative that is otherwise reasonable just because it isn’t in conformance with our Land Use Plan, policy, etc. Sometimes the description and analysis of a proposal that is not in conformance with the Land Use Plan reveals that it is the preferred alternative and leads the BLM to prepare a Land Use Plan amendment that would permit the action to be selected and implemented. Even alternatives that are not within the BLM’s jurisdiction or capability to implement, or are beyond what Congress has authorized may need to be analyzed if they are considered to be otherwise reasonable. Be careful not to use this section to describe reasonable alternatives that you aren’t analyzing simply because you don’t like them as well as the proposed action.*

AFFECTED ENVIRONMENT Briefly describe the general setting. Specifically describe only those resources/values that are present and are likely to be affected by the action.

General Setting: This usually includes general information such as climate, slopes, rainfall, etc. There may also be information about some elements which we have said won't be affected, but we feel it is important to mention them or tell how/why we arrived at the no-affect finding. At least three topics should be addressed in this paragraph if they are determined not to be affected: (1) Endangered Species Act, (2) cultural resources, and (3) Clean Water Act 303(d) listed streams. The reason for this is a desire to specifically articulate that we have considered these topics. If they are affected, they would be addressed below in the discussion of affected resources, so they don't need to be covered here also. Some examples of this would be telling the reader that a Class III cultural inventory was completed and no cultural resource impacts are anticipated; or that a Biological Assessment (BA) has been completed and the proposed action would have no effect to fishery habitat; or the proposed action joins an eligible Wild & Scenic River segment but will not effect any of the values for which the segment was found to be eligible for further study.

Critical Elements of the Human Environment: Include the following statement: "Resource components identified by an "X" on the attached lists of Critical and Other Important Elements of the Human Environment (see TABLE 1) are not affected by the proposed action or alternatives and will receive no further consideration. Elements which are present and are likely to be affected are discussed below." BLM handbook H-1790-1, Appendix 5 contains a listing of "Critical Elements of the Human Environment" and the statutes, etc., which make them critical. These are elements subject to requirements specified in statute, regulation, or executive order and must be considered in all EAs and EISs. Since this handbook was published in 1988 other elements have been officially added to the list through legislation, executive orders, etc. Idaho IM ID-2003-075 dated July 11, 2003, provides an updated elements list to be used until the H-1790-1 handbook is updated. TABLE 1 of this format contains the current list of critical elements for your use.

In addition to the critical elements, we are also required to analyze impacts to all other elements of the human environment which would be affected by our proposals. To aid in ensuring that we consider the resources/elements that are most frequently affected by our proposals, a second table of elements has been added to TABLE 1 just below the critical elements list. If the proposal you are analyzing affects an element that is not on either list it should be added to this second list and analyzed.

A negative declaration for any of these elements that are not present and/or not affected is required. This is done by completing the checklist (TABLE 1) for critical and other important elements and indicating those that are not present or not affected by an "X" on the checklist.

For all elements that are likely to be affected by either the proposed action or alternatives, include a description under the subheading "Affected Resources/Values" in this section of the EA and include an analysis of impacts in the Environmental Impacts

section. Be sure that the information on your checklist is consistent with the information contained in your *Affected Environment and Environmental Impacts* discussions.

Affected Resources/Values: Include a description of all elements/resources/values of the human environment that are present and likely to be affected, taking them from the two lists discussed above. It is not appropriate, however, to provide detailed information about elements of the environment that are not affected. Information at 40 CFR 1502.15 emphasizes the importance of limiting the discussion of the affected environment to only that which is important for understanding the effects of the alternatives. It also says that “data and analyses in a statement shall be commensurate with the importance of the impact,…” and concludes with “Verbose descriptions of the affected environment are themselves no measure of the adequacy of an environmental impact statement.” Although these statements are directed toward EISs, they have even greater application for EAs where none of the impacts are expected to be significant. For ease of the reader, it is preferred that you use the same heading in your EA text that is used on the list(s) so the reader can easily track from one to the other, followed by the discussion of the resource. In some cases it may be most appropriate to group one or more headings together for the purpose of description or analysis (e.g. T/E Fish and Fisheries). When headings are grouped, be sure to retain the individual heading titles that are included in the group. An example would be a heading of “T/E Fish; Fisheries.”

ENVIRONMENTAL IMPACTS

Note: Either of two formats for documenting the analysis of impacts would be acceptable. One format would be to list all impacts of the proposal together so the decision-maker can see the impacts of the entire proposal. Then repeat the process for each alternative. A second format would be to list each “resource/element” then describe the impacts to that resource from the proposed action and each of the alternatives. Then repeat the process for each resource. For both the acceptable formats, be sure to list the resources/elements in the same order and by the same heading they were listed in the *Affected Environment* section.

Be sure to fully analyze each alternative (in addition to the proposed action). Describe importance/significance of impacts. Also propose mitigation measures, if appropriate, intended to alleviate some of the impacts, and identify any residual impacts remaining after mitigation measures have been applied. When discussing mitigation measures, only include actions not already incorporated into the alternative.

Impacts of the Proposed Action and Alternative(s): Include direct, indirect, cumulative, and residual impacts. Remember that the impact analysis assumes that all Standard Operating Procedures (SOPs), Design Specifications, and Stipulations, are implemented and adhered to. The impacts that remain after (or in spite of) application of those requirements are what are to be discussed. (If mitigation measures are proposed, the effectiveness of those must be reflected in your residual impact analysis discussed below).

Direct/Indirect: (definition) direct impacts – caused by the action and occur at the same time and place; and indirect impacts – caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. It is not necessary to

differentiate between direct and indirect impacts; however, it is necessary to ensure that both are considered in this section.

Cumulative: (definition) impacts on the environment that result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of who undertakes such other actions. Although direct and indirect impacts are discussed for each affected element, it is often more appropriate to describe cumulative impacts at the end of the analysis for each alternative/proposal to facilitate a discussion of the overall effect of individual impacts.

In order to assess cumulative impacts, the author will have to assess other individual activities/projects within the area to determine the impacts of all actions collectively on a given resource/element. It is very possible that each individual action will have minor impact, but when assessed cumulatively, the impacts may be more significant. It is likely that you will have cumulative impacts to one or two resource values and none to the others. One example of cumulative impacts might be a land treatment that results in short-term erosion possibility, a pipeline construction that will result in insignificant erosion, and a private landowner's construction of a new road which will cause some erosion, all within the same area. Another example might be a land treatment that destroys an insignificant amount of wildlife habitat and a fence construction that minimally restricts wildlife movement and ability to access wildlife habitat, particularly if fences are present in the area already which were determined to have insignificant impact to wildlife. Cumulative impacts include what BLM is doing as well as what is being done by others (e.g. Forest Service, State, private). It would also include reasonably foreseeable actions so long as we have a high degree of certainty (not just suspicion or speculation) that those actions will occur.

Mitigation Measures and Residual Impacts: It is the BLM's intent to design proposals so that mitigation measures are not necessary. If, for some reason, that is not possible, propose mitigation measures in this section that are intended to alleviate some of the impacts identified in the analysis. When discussing mitigation measures, only include requirements not already incorporated into the proposal.

Once mitigation measures are described, another round of analysis (meaning every element affected by the proposal must be re-analyzed) must be completed to determine the effectiveness of the measures. The addition of mitigation measures changes the proposal, so the potential exists for changes to the impact analyses of any or all of the affected elements/resources. The impacts that remain become the residual impacts, which are those impacts that would occur as a result of the proposal as changed by mitigation measures. Be sure to describe the importance/significance of any impacts identified. If no mitigation measures are proposed, this section is not necessary to include.

(note: Normally the only times when we can't redesign the proposal to incorporate mitigating measures are those times when we have received an application from a party outside BLM. Written applications from the outside cannot be changed without written approval of the applicant. When an application is received, it must be analyzed as it was received unless the originator of the application withdraws it and resubmits one which

includes recommended mitigating attributes, or changes the application and documents the change in writing. There are often stipulations, etc. that the BLM will be requiring but that applicants would not be aware of when they submit their initial application. Therefore, we should begin working with the applicant as early in the process as possible to assist them in the development of a complete and comprehensive application so changes or modifications to the proposal can be minimized.)

Summary: *Include the following statement: “No significant individual or cumulative impacts are anticipated as a result of the proposed action [or of the proposed action and alternatives, if that is true].” If we are selecting an alternative other than the Proposed Action, be sure this statement is included for whichever proposal or alternative we select as the Decision*

CONSULTATION AND COORDINATION

Persons and Agencies Consulted: *Briefly state the purpose of, and, if applicable, results of contacts and consultations.*

List of preparers: *(Recommended for BLM, required for Idaho Falls District) List staff who contributed to preparation of the EA. Also include areas of expertise addressed by each of the preparers. This section may include non-BLM preparers if the EA is prepared by a contractor, another agency, or if a non-BLMer provided a substantial contribution/expertise to the preparation.*

(Preparer)

Date

(NEPA Reviewer*) Date

** the “reviewer” signature may either appear here or on a separate page, depending on the preferences of the Field Manager*