

PART I. NOMINATOR

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Organization:	The Wilderness Society
Project Title:	[Not Title Given]
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PART II. SHORT ANSWERS

I. What Federal agency or agencies will be involved in this pilot project?

The Bureau of Land Management (BLM) or any land management agency that coordinates with the BLM on land use plans.

II. What is the Federal action to which this NEPA pilot project applies?

This NEPA pilot project applies to the preparation of an environmental impact statement (EIS) which is required in order to make amendments to resource management plans for new uses of public lands. This pilot is designed to encourage earlier stakeholder involvement. In the pilot, the convening agency (BLM) releases a draft set of preliminary alternatives and accepts informal comment from the public prior to issuing a formal draft EIS. Numerous BLM offices have issued a preliminary alternatives, prior to preparing a draft RMP, for public input to expand opportunities for public comment. For example, the Arizona Strip BLM Office provided preliminary management alternatives, giving the public a chance to submit comments and giving the BLM valuable insight into their management approaches. The Las Cruces Field Office also held workshops and solicited public comments on preliminary alternatives for the Tri-County RMP. The Snake River Birds of Prey NCA BLM provided overviews of the preliminary draft alternatives at workshops and then held a series of “traveling coffee shops” to discuss the direction they were taking. BLM field offices have provided this opportunity through a range of approaches, adapted and customized to their situation – ranging from formal comment periods to informal coffee shops. As a result the agency has gained the critical benefit of additional input for improving the NEPA process without significantly delaying the time required to complete the NEPA process.

III. How will this pilot project reduce the costs and time needed to complete the NEPA process?

Agency publication of a preliminary set of alternatives will expedite the NEPA process and reduce costs in two principal ways. First, publication of preliminary alternatives will reduce the probability of having to engage in the resource, time, and cost intensive process of producing a supplemental EIS or EA. Second, early collaboration between stakeholders and decision makers on an acceptable range of alternatives similarly reduces the likelihood of subsequent litigation and formal challenges which can dramatically stall a project.

Using preliminary alternatives will not only further NEPA’s purpose of meaningful public involvement

by getting interests and concerns to the agency early and often, but will also help agencies avoid the need for supplemental EISs/EAs to address information or issues they failed to address, as well as avoiding formal challenges. The process allows BLM to find out early if they are missing a key issue or place or approach to a project that could lead to serious opposition or even legal flaws in the analysis. This process may have helped in bringing to light foreseeable problems with the Department of Interior’s “fast track” renewable projects and limited substantial delays. Project developers for transmission lines—notably the proposed ‘Boardman to Hemingway’ line through Idaho and Oregon and also ‘SunZia’ crossing through Arizona and New Mexico—have gone back to add alternatives once they realized there were concerns with their approaches. For example, in the case of the Boardman to Hemingway 500 kV transmission line—a project planned as approximately 300 miles long crossing by-and-large private land—many of the resources impacted by the project were not included in the initial scoping report. The need for this transmission line was initially identified in Idaho’s Integrated Resource Plan (IRP) in 2006. As a result of insufficient environmental analysis, BLM and the U.S. Forest Service (USFS) published a revised scoping report in May 2011 which has effectively delayed the in-service date for this transmission line by several years to 2015-2016. The SunZia project, a transmission line proposal still under development, has the potential to cross public and private lands, as well as lands managed by the Department of Defense (DOD) and adjacent to DOD land. The time to permit the project could have been reduced by earlier identification of resources. In fact, in 2009 the project developer testified before a Congressional committee that stakeholder participation can help project developers better determine where to accommodate community concerns in the development of the project.

IV. How will this pilot project ensure rigorous environmental protection?

The proposed project promotes rigorous environmental protection by giving stakeholders an early opportunity to alert agencies to key issues and facilitate the agencies’ ability to explore and evaluate all reasonable alternatives. By publishing preliminary alternatives and giving the public an opportunity to comment, even informally, the project encourages a more robust alternatives analysis. Alternatives are commonly referred to as the “heart of the EIS” process because it is by developing a range of alternatives that decision makers define all issues which will be considered. However, often times, the issues have already been significantly defined before the public’s first opportunity to get involved. This proposed project resolves this dilemma through a simple and informal two-step process of first publishing preliminary alternatives and then seeking public input.

Standardizing, or at least emphasizing the importance of this option to release “preliminary alternatives” would help in projects where project proponents and surface management agencies might not have the capacity to gather the range of information required for projects that involve large geographic areas. NGOs, local governments, and citizens—by virtue of their longer involvement with the landscape—may be able to provide additional information at an earlier stage of project development that will result in additional or amended alternatives by the agency (BLM or other). The same holds true for BLM resource management plans where the agency has already been using the opportunity to release preliminary alternatives in a variety of states—and it has resulted in useful feedback. Agencies should be encouraged to do so more broadly.

V. How will this pilot project improve the quality and transparency of agency decisionmaking?

The project promotes NEPA’s twin goals of providing meaningful public participation in government decisions and ensuring government decisions affecting the quality of the environment are fully informed by all relevant information. The project does this by not only providing stakeholders with an earlier indication of what set of alternatives decision makers are considering, but also by seeking earlier public input. Stakeholder input potentially alerts decision makers to previously overlooked considerations. Particularly in the cases of renewable energy development and transmission proposals, public involvement is likely to be higher. Renewable energy projects on public lands are land intensive. They can be controversial—and thus generate more stakeholder interest—in that they provide numerous benefits to the environment but also representing significant industrial infrastructure on the landscape, which impacts wildlife, wildlife habitat, wildlands, water resources, and cultural resources among other impacts. Transmission projects also garner a lot of interest because of their linear nature which crosses many landowners. As we develop both renewable energy projects and upgrade the grid, these projects are good candidates for early communication with stakeholders to improve the quality and transparency of the agency’s decision making.

VI. Will this pilot project develop best practices that can be replicated by other agencies or applied to other Federal actions or programs? Please describe?

Yes, as illustrated by the success of implementing this practice in other areas, it is anticipated that this pilot program could better illustrate the benefits of early stakeholder engagement in NEPA review. In fact—this pilot project represents a fairly simple change in the process for developing a draft EIS, but one that if implemented across agencies, could greatly improve the results from a draft environmental impact statement.

PART III. PROJECT DESCRIPTION

(See attachment on following page.)

Project Description

Innovative use of flexibilities in the NEPA regulations by several agencies has demonstrated that a significant amount of time and money can be saved by making a preliminary set of alternatives under consideration available to stakeholders earlier in the NEPA process. Where preliminary alternatives have been applied, agencies have been able to avoid the substantial delays often caused by the need for a supplemental EIS or by litigation over the chosen set of alternatives. This pilot project is designed to encourage earlier stakeholder involvement. In short, it attempts to simplify NEPA implementation practices including scoping and fact gathering by requiring earlier stakeholder engagement through the release of a preliminary draft environmental analysis. In the pilot, the convening agency (often the BLM) releases a draft set of preliminary alternatives and accepts informal public comment for a period prior to issuing a formal draft EIS. Using preliminary alternatives will potentially achieve three results: further NEPA's purpose of meaningful public involvement by getting interests and concerns to the agency early and often; help agencies avoid the need for supplemental EISs/EAs to address information or issues they failed to address; and assist in avoiding subsequent formal challenges.

Formal amendments or revisions of public land use plans require NEPA analysis as do most project-level activities that require approval, such as an oil and gas lease or right-of-way for a transmission project on lands managed by the Federal government. As the interest in land management continues and increases due to resource constraints, plans for new transmission lines and utility-scale renewable energy projects that impact large landscapes will involve the federal agencies with greater regularity.

This project would require the formal adoption of practices that are already in place at some BLM offices. In this regard, the pilot is already underway. The formal pilot could begin at any time and should span several different types of projects that require a NEPA analysis. The resources that will be required to implement this project amount to staff willingness and time. What would be required is a pause in the preparation of the draft EIS for review, and the completion of a series of stakeholder meetings with members of the community prior to releasing a draft EIS. This could occur through "town hall" scoping meetings, or individual meetings with citizen group, state agencies, counties, or others identified as stakeholders.

Agency publication of a preliminary set of alternatives will expedite the NEPA process and reduce costs in two principal ways. First, publication of preliminary alternatives will reduce the probability of having to engage in the resource, time, and cost intensive process of producing a supplemental EIS or EA. Second, early collaboration between stakeholders and decision makers on an acceptable range of alternatives similarly reduces the likelihood of subsequent litigation and formal challenges which can dramatically stall a project.

This project reflects many of the Administration's goals for improved stakeholder involvement, particularly when it concerns energy planning. As evidenced by the

Department of Energy's 'interconnection-wide planning projects,' initiated in 2009 and now fully underway, stakeholder engagement to consider the wide array of costs and benefits associated with energy projects has been a major objective of the Administration that will likely greatly improve how energy resource planning is conducted in this country.