

Expediting NEPA Analyses

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Federal and State agencies often take too long to complete a NEPA-required EA or EIS. Excuses are many. Essential content specialists were sent to fight fires. Management transferred a key specialist. Winter came early, so field work had to stop. And then the ever-favorite: the dog ate the memory stick! My suggestions below list seven techniques for expediting NEPA analyses despite the many excuses.

Expediting NEPA analyses was mentioned in Nancy Sutley's March 11 memo on reporting requirements under Section 1609 of the American Recovery and Reinvestment Act of 2009 (Recovery Act). Nancy Sutley is the newly appointed Chair of the Council on Environmental Quality (CEQ), and her memo is available on the home page for this Shipley newsletter, which contains a web link to the memo.

A major goal in Sutley's CEQ memo is that "applicable environmental reviews under [NEPA] are completed on an expeditious basis" (Recovery Act, Section 1609(b)). Shipley Group consultants routinely emphasize this same goal. For years, we have urged clients to streamline their analyses. We urge that they conduct careful scoping, both internally and externally, thus prioritizing resource issues and identifying a range of reasonable alternatives. We also have urged NEPA practitioners to be as efficient and as timely as possible as they are writing NEPA documents.

Recommendation: Initiate an expedited EA or EIS by encouraging all contributors to collaborate on ways to achieve an expedited result.

Perhaps begin by asking the team leader and all contributors to suggest ways to make the NEPA process more efficient and more timely. Share decision-making with the team and explore team options, such as flexible work times and different team work stations. Your goal as a manager is to make contributors feel that they are part of a special effort. This recommendation reflects the well-known **Hawthorne Effect**. Studies of group productivity some 50 years ago showed that the social role of teams was a major contributor to overall team productivity. So team morale and a feeling of being special are crucial givens in a successful team effort.

Here are seven practical suggestions for expediting agency NEPA analyses funded under the Recovery Act:

1. **Prepare a draft internal contract, outlining management goals and the agency's vision for the final proposed action and its documentation.**
2. **Identify contributors who will produce sound NEPA analyses and clear documents.**
3. **Set aside a dedicated project area for the contributors to use as they interact and review each other's work.**

4. **Collaborate on an aggressive scope/schedule for both the analysis and for the documents.**
5. **Encourage contributors to collaborate on an initial storyboard for the entire EA or EIS.**
6. **Review the team's progress frequently, especially on key milestones from the schedule.**
7. **Reward contributors who meet deadlines and who provide quality information for the analysis.**

Notice that the preceding suggestions are framed to reflect management actions. Successful compliance with NEPA depends on both management support and the overall esprit de corps. Absentee managers guarantee delays and perhaps even failure of the compliance process. Several years ago the Forest Service addressed absentee managers by directing that Forest Service decision makers review and approve (in writing) key decision points throughout a NEPA analysis. Successful managers must be ongoing and participating members of the NEPA process effort.

Be sure to review Sutley's memo for NEPA compliance suggestions. The CEQ memo also outlines the reporting requirements for Federal agencies to follow. The following text does not repeat the guidance on project reporting. Suggestion 6 would, however, provide valuable information for the required Recovery Act reports on NEPA progress and any undesirable delays.

The following text provides rationales for the seven techniques listed above.

1. **Prepare a draft internal contract, outlining management goals and the agency's vision for the final proposed action and its documentation.**

Agency managers should initiate any NEPA analysis by making a **written assignment** to the NEPA project leader and all contributors. Without written guidance, the project leader and the assigned NEPA contributors will waste time searching for what their managers really want. Management without written guidance is management by inefficient blank check.

The goal of this written assignment is to provide a comprehensive management vision of the proposed action and the required analysis steps. Management (that is, agency) priorities should be clear when NEPA contributors have their first meeting.

Shipley NEPA workshops provide an outline for a Project Initiation Letter/Memo/Email. A copy of the Shipley outline is attached at the end of this newsletter article. This recommended project initiation document is an internal statement of work for the team to be appointed. Although often called a scoping document, the content of the Shipley outline is not the same as a public scoping announcement. The Shipley content covers such key topics as the NEPA purpose and need for the proposed action (topic 2 in the Shipley outline). It also suggests that management and the appointed NEPA contributors negotiate on the scope/schedule (suggestion 4 below and topic 9 in the Shipley outline). I usually suggest that managers fill out, at a minimum, items 1, 2, and 3 from the Shipley outline before asking staff contributors to meet. **Then the manager and contributors should collaborate on the remaining items.** Note that the outline provides for signatures from both the manager and contributors when an agreement exists on most

content points. Signatures are a sign of good faith that both the managers and contributors agree on subsequent steps and decisions.

Some managers suggest that they don't need to provide written guidance. Instead, they prefer to have a kickoff meeting with the NEPA project leader and contributors. For such managers, I suggest that the NEPA project leader record all agreements from this meeting and ask for the manager's timely concurrence (in writing!).

Note: Several of the following newsletter suggestions cover items included in the Shipley outline for the Project Initiation Letter/Memo/Email. Text discussing the suggestions, however, will not refer again to the Shipley outline.

2. Identify contributors who will produce sound analyses and clear documents.

Contributors to a NEPA project analysis should be both experienced in NEPA processes and flexible in their approach to NEPA compliance.

Experienced NEPA practitioners know that the point of a NEPA document is to forecast impacts and to record such impacts in a readable style. In particular, major resource specialists should early decide what methodology they propose to use. They should also choose one or more resource indicators, preferably ones that are quantifiable. Such resource indicators should appear in subheadings for their resource discussions in Chapters 3 and 4 of a routine EA or EIS. These indicators should also appear in the summary of impacts in Chapter 2. Notice that the placement of such listed indicators in subheadings potentially precedes the writing of text. Early decisions about a useful indicator or indicators show that the resource specialist takes the disclosure purpose of an EA or EIS seriously.

Flexible contributors know that the most useful NEPA information about their resource is a cogent summary. Many specialists may argue that they need to provide a "required" 30- or 40-page resource report. And they would likely admit that they haven't changed their standard report in years. A flexible contributor is willing to start with the target information for an EA or EIS. Such information necessarily focuses on good impact indicators and the associated summary text.

A flexible contributor for a major resource issue should also recognize that an adequate summary of impacts need be no longer than 2 or 3 pages for an EA and perhaps 6 or 7 pages for an EIS. **The specialist should understand that he or she writes these priority pages for inclusion in the EA or EIS.** And as a corollary, the attached specialist report likely needs to be no longer than 15 pages, not the 30 or more pages originally projected.

No NEPA leader should ever have to summarize a rambling 30- or 40-page report from a contributor. Such reports are unprofessional. Even worse, many such rambling reports fail to summarize impacts in readable text. Unreadable, rambling submissions waste weeks or months of a team's time because a specialist fails to commit to the ultimate goal: **a clear and readable EA or EIS that meets an expedited schedule.**

Shipley workshop contributors often say they have no choice as to who works on a NEPA analysis. In many small or isolated field offices, each resource has only one available specialist. So if questions about hydrology arise, the office's single hydrologist is an

essential contributor. Problems arise if this contributor is unable or unwilling to write useful information in a timely manner—thus, is an inflexible contributor.

One remedy is that many NEPA task teams over the years have borrowed specialists from other offices when an experienced, flexible contributor is not available.

So, managers for an expedited NEPA project should appoint experienced, flexible contributors.

3. Set aside a dedicated project area for the contributors to use as they interact and review each other's work.

A dedicated project area or room is a good idea. Its main advantage is that contributors can more easily interact and review each other's work. Such interactions help to build a team esprit de corps, which allows contributors to develop ownership of the entire EA or EIS, rather than responsibility for only their single resource. Another advantage is that writers are able to work away from their usual desk or cubicle, thus avoiding routine calls and other distractions.

Such a dedicated area would have several computer terminals and some way of displaying evolving text. Early project areas often had a large whiteboard or a large vacant wall. Sheets of paper or flipchart pages would record the evolving document on the wall or whiteboard. See the description of the storyboard process in suggestion 5 below. In today's world, a computer and a projector might replace the whiteboard.

Years ago, a dedicated project room became a routine arrangement when major governmental contract requests required the writing a proposal for a crucial procurement. Such contract efforts forced corporations to consider techniques for coordinating information from 20, 30, or more corporation specialists. A dedicated room or space was such a technique.

Contract proposals were and still are tightly controlled as to time limits and page counts. A major proposal might be due 60 days after a government agency issues the notice about a possible procurement. A page limit is usually specified, perhaps 200 or even 300 pages. Writers for such procurement efforts have to produce the required document within an unrealistic deadline. Writers for such procurement efforts have learned to live with page limits and strict limits as to how long useful summary information needs to be. Given such constraints, corporations have found that a dedicated project room is a useful signal to contributors that they have to work together.

Such disciplined team writing practices are exactly what NEPA writers often seem to lack. Instead, many NEPA writers work alone, coming together only occasionally to compare notes and progress. No wonder many routine EAs take a year or even longer to complete. Many team leaders say that it may take lead time of 2 or 3 weeks to schedule a single team meeting. Such delays kill an aggressive schedule with many contributors!

4. Develop an aggressive scope/schedule for both the analysis and for the documents.

Review, if available, your site's time records for completing NEPA analyses and the associated documents, both EAs and EISs. Pick the document you are intending to expedite, either an EA or an EIS. What was your site or department's best completion time for that document, from project start to a signature on a decision document?

Start with 50 percent of that prior project's completion time as your target time for completing an upcoming Recovery Act EA or EIS.

This target time is an aggressive deadline for your proposed scope/schedule. But this final deadline is still negotiable, based on input from all contributors. If you don't start with an aggressive target, a NEPA team will never finish an EA or an EIS in an expedited time.

Once you have a target deadline in mind, start with your projected date and work backwards. Schedule all NEPA analysis tasks (review of prior documents, field surveys, etc.). Be sure to include time for coordination with the US FWS (for Section 7 compliance under the Endangered Species Act) and with the SHPO (for Section 106 under the National Historic Preservation Act). Include other consultations as necessary, making them concurrent with other NEPA analysis tasks.

Naturally, include time for writing, reviewing, and revising key chapters and subsections of an EA or EIS. Also, include hours and days for the writing of all supporting documents. Internal agency reviews by managers and the legal counsel also consume project time. Remember that document publication (hard copy or internet) takes days, perhaps even weeks.

Be as realistic as possible, adjusting your final deadline, to accommodate all estimated tasks. But push contributors to commit to an expedited completion of tasks.

How you record the developing schedule is not important. Some NEPA teams have successfully planned their schedule using flipchart pages or a large whiteboard. Other teams work up a schedule using the latest version of software for tracking a complex project schedule. Choose the approach that your contributors are already familiar with and comfortable using. As a final step, post the entire schedule either on a wall or on a computer.

Whichever approach you use to develop the schedule, your goal is to have a realistic schedule, one that all team members can see and review at appropriate times.

Sometimes, the entire team would need/want to review the progress (or lack of progress) on the schedule. In other instances, an individual might want to verify his or her deadlines. The key is that everyone, including the manager, can review the schedule to see if the assigned NEPA contributors are meeting deadlines.

This aggressive approach to the NEPA schedule is alien to many land management agencies. Often a NEPA team is asked if they can finish a NEPA analysis by the next field season. Such an approach is not really project management in a disciplined sense. And it is surely not what is meant when Sutley's CEQ memo addressed the need for an expedited EA or EIS.

5. Encourage contributors to collaborate on an initial storyboard for the entire EA or EIS.

Storyboards would expedite preparation of an EA or an EIS. As suggestion 3 above describes, writers of proposals for federal contracts use a very disciplined approach to team writing. An evolving storyboard is the key to that approach. So storyboards are a well-proven technique for helping a team of writers produce key documents fast and with quality.

An expedited NEPA document is produced in record time. Also, the quality of NEPA content is legally important. So writers of expedited documents have to be concerned about both quality and the time it takes to finish a document. A full document storyboard helps to guarantee that the content is both thorough (that is, legally adequate) and very clear.

Many NEPA practitioners have no experience with storyboards. But they have had experience with outlines as an important planning technique for documents. A storyboard has everything in a detailed outline, plus all projected graphics and relevant notes as to project reminders and other analysis tasks. So a storyboard is essentially an outline presented visually.

A good storyboard starts with blank pages numbering the estimated pages in the document (or section) to be written. An early storyboard contains major headings, some subheadings, and notes for projected graphics. It contains almost no text, but it is a useful vision of the document to come. It also has project or team reminders (for example, "Call Susie for data on water temperature"). From day 1 the NEPA team should be adding to and enriching the storyboard with draft text, sketches of graphics, and more project reminders. A mature storyboard, one done weeks or months later, is a nearly complete rough draft.

Ongoing and frequent reviews of the storyboard should occur as the storyboard evolves. Reviewers would primarily be team members, who should be checking the overall team progress. Other reviewers would be managers and legal counsels, if at all possible. As suggestion 6 says below, reviews should be early and frequent, and reviewers should include all sorts of people, including lay reviewers, who have no NEPA experience and no knowledge of the proposed action.

As suggestion 5 says, "encourage" NEPA contributors to use a storyboard. But go slowly. If they resist the notion of a storyboard, introduce storyboard techniques gradually. Perhaps use a storyboard to plan a scoping notice/newsletter that will go out to the public. Optionally, assist a resource specialist to prepare a storyboard for his or her pages discussing a single resource. If contributors begin to see the value of the storyboard technique, then they will be more willing to use the technique to plan whole NEPA chapters for an EA or EIS.

Earlier Shipley Group newsletters have discussed and illustrated the storyboard technique. If you want to find out more about storyboards, go to the Shipley Group website <http://www.shipleygroup.com/environmental/index.html?pg=news>. Newsletters 61 (November 2008) and 56 (July 2007) have the most recent information about storyboards and their usefulness in planning and writing NEPA documents. Newsletter 61 includes sample storyboard pages from a Federal Highway Administration EA.

To summarize, a complete but evolving storyboard is an excellent technique for planning, tracking, and expediting a team's progress on a complex NEPA document.

6. Review the team's progress frequently, especially on key milestones from the schedule.

Reviews of the evolving EA or EIS should be early and frequent. Reviewers should include managers, legal counsels, colleagues not assigned to the NEPA team, and, if possible, members of the lay public.

Timely and careful reviews are essential for an expedited EA or EIS. Nothing wastes more time than a late-stage review, perhaps by an absentee manager, who adds or changes an alternative or makes other major changes. Substantive changes, such as a new alternative, mean a major revision of the draft EA or EIS. They may even require one or more resource specialists to conduct new field work on the impacts of the new alternative.

Reviews are the key to document quality. Too often reviews are done almost as an afterthought. As an EA or EIS is nearly finished, the team leader may ask a colleague to look over the draft text. Such rushed reviews are too late and too unstructured to be helpful. About all such reviews accomplish is to correct a few misspellings and to add a comma or two.

I recommend that the agency manager and the NEPA team prepare a review plan before they begin to work on an EA or EIS.

The plan would identify all potential reviewers and would include them in the proposed schedule, as described above in suggestion 4.

Ongoing reviews by a manager have a special role in any EA or EIS. Managers should be reviewing all major checkpoints in the NEPA process as early as possible. In particular, managers should review (and approve in writing) the following:

- A scoping plan, including the necessary public involvement steps
- The draft proposed action and its parallel purpose and need
- Identification of major resource issues/questions and the scope of their analysis
- Alternatives analyzed and those considered but removed from detailed study
- Preliminary impact findings, especially the stated context and intensity information
- The adequacy of the final impact descriptions in the EA or EIS
- The rationale for the final alternative selected or chosen (the “preferred alternative” in an EIS)

7. Reward contributors who meet deadlines and who provide quality information for the analysis.

Make the assigned contributors feel their special roles in this expedited NEPA process. The preceding six suggestions are all different ways to achieve this goal.

In addition, consider ways to reward contributors when they are successful providing quality information and meeting deadlines. Many managers say that they reward their employees by praising them. But remember that rewards for employees should be early and ongoing to be really effective. As stated several times earlier in this newsletter, managers should do whatever is necessary to make all contributors to this expedited NEPA process feel special.

Studies of employee motivation suggest that frequent informal rewards are most effective in making employees feel special. Here are some informal ones that might be possible:

- Publish a monthly newsletter recording progress on the EA or EIS. Highlight a major contributor each month.
- Circulate exemplary pages or graphics from the evolving EA or EIS. Attach a note praising the pages or graphics for their contribution to the quality of the document.
- Give special contributors a family gift certificate to the local pizza parlor. (This suggestion assumes that petty cash policies would allow such largess.)
- Write a commendation letter to the regional office or the state office praising the team's ongoing contributions to successful project completion. Be sure to mention contributors by name.
- Take time during regular staff meetings to recognize major contributors to the expedited work on the EA or EIS. Perhaps such contributors could make short presentations on techniques they have learned that would help any NEPA team expedite its work.

A Final Suggestion

Success with an expedited EA or EIS is team success. So several times during the ongoing NEPA process, take time to meet with the entire NEPA team. Ask them how the EA or EIS process is going.

- What are their successes?
- Frustrations?

As appropriate, brainstorm strategies for speeding up work on unfinished tasks. Use collaboration to encourage team contributors to improve their own work habits. Remember that an expedited NEPA process is a complex, evolving team goal.

The outline suggested below was adapted from Shipley Group's publication; "How to Write Quality EISs and EAs" (pp B2-B4). This outline demonstrates the key elements that should be contained in a project initiation document. Once the document has been finalized, it should be signed by all team members. This document would then become the guiding document for the remainder of the project, providing focus and direction.

Suggested Outline and Content for Project Initiation Document

1. Identify the proponent and/or the responsible official.
2. Summarize the proposed action
 - Clearly framed purpose and need
 - Well-defined proposal/proposed action for analysis and discussion
3. Specify the scope of the decision to be made.
 - Actions and decisions to be considered
4. Profile the scope of the environmental analysis
 - A preliminary list of environmental concerns that merit further analysis
 - Preliminary list of alternatives
5. Identify the anticipated level of documentation, along with short rationale
6. List any known consultation requirements
7. Profile the current management direction in and near the project area
8. Summarize projected public involvement
9. Summarize the schedules for analysis and documentation
10. Summarize documentation expectations
 - Document length, preliminary page limits for chapters (refined during mockup stage)
 - Page layout and anticipated graphic (baseline maps etc)
 - Headings and numbering conventions
 - Tracking between chapters, repetitive elements, previews, other design considerations
 - Administrative record keeping
11. List all team members, writing team members and project members. Clearly define team members' roles on the team.
 - Review and reaffirm, as necessary, how the team will make decisions
12. Request dated signatures from the responsible official, the writing team leader (editor-in-chief), project manager, and all team members.