5 COMMON MISTAKES PEOPLE MAKE WHEN DOING ENVIRONMENTAL PLANNING (NEPA)*

* The National Environmental Policy Act, 42 United States Code §§ 4321 to 4370d. Federal statute that, among other things, requires federal agencies to prepare Environmental Assessments and Environmental Impact Statements.

Doing NEPA can be easy. Doing it quickly, with less pages, and keeping your document legally defensible is the challenge. Here's what you need to know when doing NEPA and the five biggest pitfalls to avoid.

As counterintuitive as it may sound, the more streamlined and simple we try to keep our NEPA documents, the harder it tends to be to keep it all in balance….

Over the years we've seen it all and we can tell you first hand, it's not about the number of pages, but the quality of the analysis that is important. The common theme among those that fail to achieve a smooth NEPA process is not having a solid team in the first place.

These are the five biggest pitfalls to avoid when doing NEPA:

1. TRYING TO ANALYZE IT ALL

Often times it can be tempting to include an analysis of all potential resource areas that might be impacted because of a federal action.

- Ask yourself and the team, what's relevant and important to the proposed action and/or stakeholders? Then take a hard look and identify those resource areas that are likely to require a focused analysis due to anticipated negligible or no impacts. Not only will this help hone the level of effort, but it sets up a concise analysis on those resources that truly matter. A short document makes for a shorter review time too!
- Develop a clear mutual understanding of the scope of work…EARLY. Once a request for proposal is issued (and prior to submittal of a cost proposal), have a scope clarification call to:
  - Confirm the team is on the same page with the scope; and
  - Brainstorm what the resource areas of concern are likely to be. Don't just carry forward all resource areas because that's what's always been done.

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2. TOO SMALL OF A FOOTPRINT

It can be tempting due to pressures to get 'er done faster to define the proposed action narrowly because that's all that is known at the time and there are sometimes less environmental issues to deal with. But if you can have a meaningful conversation with the end user (the people who are needing the proposed action to happen) and brainstorm some potential changes or areas that might be needed in the future, it allows more flexibility down the line and saves time and money in the long run.

- Develop flexible project descriptions and project areas early so that the analysis can accommodate the changes when they happen. Project descriptions almost always change – typically after a submittal or two!
- Analyze a broader footprint. Ideally, it provides flexibility to avoid or minimize the need for additional analysis (and modifications) in response to on-going design changes. This forward-thinking approach provides the project team the ability to efficiently accommodate later minor changes in the project description without having to update/add on to the NEPA analysis – and – avoid potential costly change orders/modifications.

"Develop flexible project descriptions and project areas"

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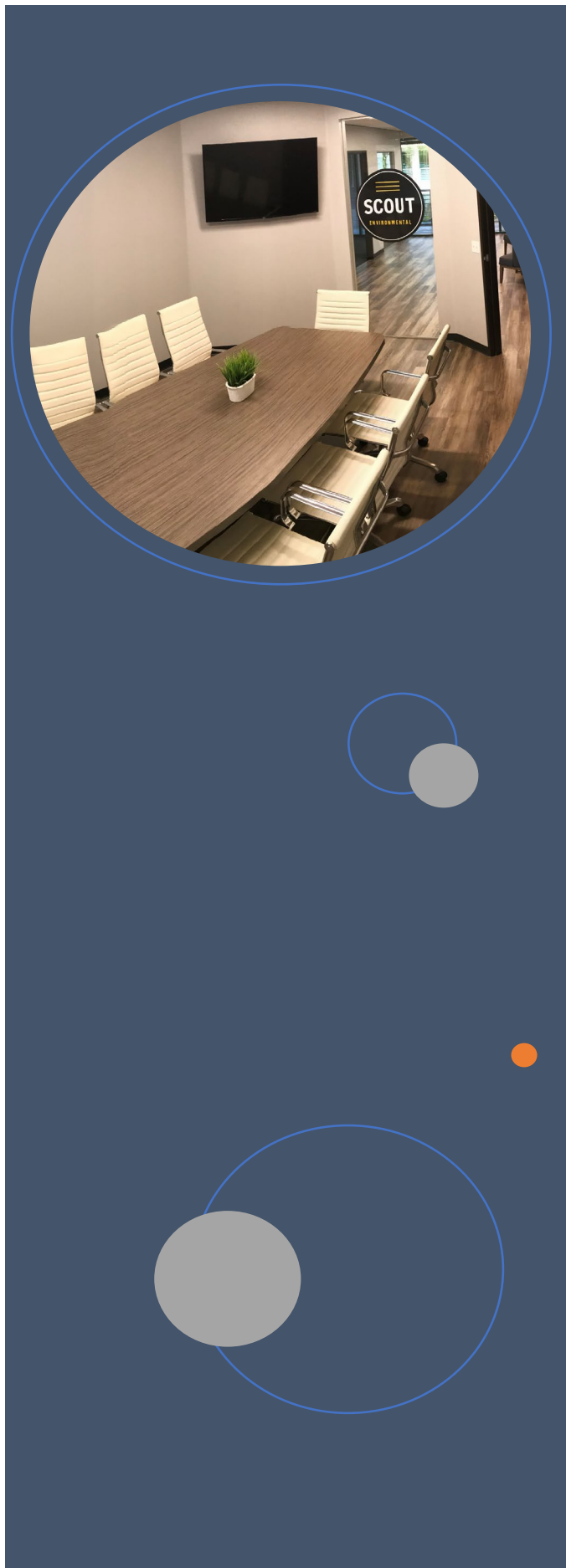
3. NO PROJECT UPDATE MEETINGS

We understand, we've been there…days full of meetings and at the end of the day needing to catch up on all the "real" work and deadlines. But holding focused (key word here) and frequent (short) meetings can help you stay on track with the project schedule and identify issues early.

- Hold bi-weekly meetings to keep the team informed and to resolve action items. They also help to hold the team accountable (even when it gets tough), and achieve the schedule goals.
- Prepare focused agendas in advance of each meeting, keep the project streamlined (focused!) and fast-paced, and immediately send out meeting notes and the invite for the next one!

4. USING A DIFFERENT NEPA FORMAT FOR EACH DOCUMENT

We feel technical editors and reviewers pain when different people have different opinions on spacing, headers, and formatting. Personal style preferences can be a real drag on the team's time.

- Make use of agency templates (or we can help you develop a template). This enables reviewers to focus on the project description and analysis and not on new format or style or boiler-plate text. The use of a NEPA template can be a big time saver if the review team is aware and does not comment on "stock" language that the lead agency has prepared and approved during the template development.
- Periodically refresh your template to make sure the information is still current (e.g., updating the template to reflect the forthcoming changes to the Clean Water Act definitions of jurisdictional features).

5. WORKING IN ISOLATION

In an ideal (dream!) world, one could hide away and draft an environmental analysis and publish it and everyone understands it, regulators love it, your boss loves it, and there are no comments. But the reality is, the true time saver is to work collaboratively and often.

- Hold in-person comment resolution meetings where all key team members assemble to review, discuss, and make real-time changes to the document (especially important for fast-track projects).
- Bring key reviewers and authors together to efficiently address comments and agree (on the spot) to resolution. These meetings enable the team to absorb and implement feedback quickly and shave days— if not weeks— off a project review.

By applying these and other tips, you will avoid the biggest NEPA pitfalls and be able to complete your NEPA documents faster without sacrificing quality. As *your* Scouts, we look forward to continuing to guide you in improving the efficiency of your NEPA process so you can win the day! Contact us today to schedule a consult and help you achieve your next NEPA win!

"By applying these tips, we can help you avoid the biggest NEPA pitfalls."