

A satellite-style map of the United States, showing the continental United States, Alaska, and Hawaii. The map is dark green and brown, with a dark blue background for the oceans. The text is overlaid on the map.

# Fast-tracking NEPA Documents within the Department of Defense

*presented by*

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# What Delays a Project?

**Does the NEPA process itself slow decision-making and delay a project?**

*or*

**Is there a natural decision-making process that is responsible for project delays?**

*and*

**Are there ways to speed up NEPA documents?**

# Methodology

- **Personal Experience**
- **Interviews with Key DoD staff and key DoD consultants (free flowing, no fixed questions)**
- **Survey of 1600+ DoD and consultant staff**

# Survey

- **Surveyed target:** those experienced or impacted by the DoD NEPA process (950 mailed surveys; 750 electronic surveys)
- **Those surveyed could respond in several ways:**
  - Return survey via postage paid envelope
  - Fax survey
  - Fill out and submit web-based form
- **44 Questions**
  - 7 Informational
  - 26 Agree / Disagree statements
    - (e.g. “I always consult my agency guidelines in preparing my EA/EIS”)
  - 8 multiple choice
    - (e.g. “On my projects the project description has been finalized with no further changes at...”)
  - 1 ranking and 2 fill-in the blank

# Response and Analysis

- **Surveys initially sent to 1700**
  - Expected response rate: 1-3%
  - Actual response rate: 6-8%
  - Response approximately the same for web-based versus hard-copy survey
- **Survey Bias**
  - Those surveyed were not randomly selected
  - Response was voluntary (responders self-selected whether to respond)
  - Survey should be regarded as qualitative

# Characteristics of those who Responded

## Employer

- 80 % Federal Government
- 4 % State/Local Government
- 16 % Consultant

## Role

- 46 % NEPA project manager
- 12 % NEPA resource author
- 27% Agency NEPA officer or Agency reviewer
- 15 % Non NEPA professional (e.g. project engineer)

# Characteristics of those who Responded

## Project Experience

- 38% Air space
- 40% BRAC
- 42% Family housing
- 82% Military construction
- 61% Range
- 37% Waterfront

## Experience Level

- 14 % <3 years
- 29 % 3-10 years
- 57 % > 10 years

# Opinions of those surveyed

- They consult their agency guidelines but not necessarily CEQ implementing regulations or 40 most-asked questions
- NEPA leads to a better project because it facilitates internal discussion that might otherwise not happen
- Internal reviewers sometimes wait to comment until later in the process.
- NEPA improves agency decision-making
- They do early internal scoping with our interdisciplinary members to identify possible issues and problems
- NEPA documents are too long

# Delays (Survey)

**“What percent of your projects were delayed?”**

– 43% (95% CI 37.3 to 48.78)

- **Why? (top ranked reason)**

- Decision-makers changed project (33%)

- Coordination with ESA & other natural resource regs, (21%)

- Poor document; needed to be re-done (13%)

- Alternatives changed or added (9%)

- Special studies other than bio or cultural (7%)

- Lacked or lost funding (6%)

- Coordination with NHPA or other cultural resource regulations (5%)

- Project was challenged in court (2%)

- Air conformity issues (2%)

- Implemented more public involvement (2%)

- We determined that the project was not cost-effective (1%)

# Top ranked reason for project delay

Total Sample	Proponents	Agency NEPA Officer / Reviewer	NEPA PM	NEPA Resource Author
<b>Decision-makers changed project (33%)</b>	Coordination with ESA (29%)	Decision-makers changed project (44%)	Decision-makers changed project (44%)	Decision-makers changed project (38%)
<b>Coordination with ESA (21%)</b>	Poor document, (23%)	Coordination with ESA (22%)	Coordination with ESA (19%)	Coordination with ESA (19%)
<b>Poor document, needed to be redone (13%)</b>	Decision-makers changed project (18%)	Poor document, (19%)	Alternatives changed or added (14%)	Alternatives changed or added (13%)
<b>Alternatives changed or added (9%)</b>				
<b>NOTES:</b>			Special studies other than bio and cultural (10%) Poor Document (9%)	

# Top 3 ranked reasons for project delays

Total Sample	Proponents	Agency NEPA Officer / Reviewer	NEPA PM	NEPA Resource Author
Alternatives changed or added	Coordination with ESA	Decision-makers changed project	Alternatives changed or added	Decision-makers changed project
Decision-makers changed project	Poor document	Alternatives changed or added	Decision-makers changed project	Coordination with ESA
Coordination with ESA	Decision-makers changed project	Tie Coordination with ESA Poor document	Coordination with ESA	Alternatives changed or added
(Tie) Coordination with NHRP Special studies			Special studies other than bio and cultural	

# Reasons for Delay

- **Project proponents and NEPA professionals disagree on root causes**

**Decision-makers changing project  
(or changing alternatives)**

**vs.**

**Poor document**

- **All agree that Coordination with ESA and other natural resources regulations is important**
- **Changing or adding alternatives**

# Delays

- **Considering anything you deem relevant, which of the following is more likely to account for a delay in a project?**
  - **14% NEPA process**
  - **84% Factors outside of the NEPA process**

# Other reasons explored

- **Failure to use the Purpose and Need Statement to better define project and alternatives (disagree)**
  - Responders felt strongly that they used P&N to guide project
- **Failure to consult internal agency guidelines (disagree)**
  - Responders felt strongly that they consulted internal guidelines but not always CEQ implementing regulations or 40 Questions
- **Documents are too long (agree)**
  - Responders felt that documents were too long
- **Internal reviewers wait to comment either until later iterations or until the process is well underway.**
  - Early comment and buy-in would speed projects

# *Survey*

## Does NEPA lead to better projects?

***Responders felt that NEPA leads to a better project because***

- we better define the project description and any alternatives early in the process.
- NEPA facilitates internal discussion and analysis that might otherwise not happen

*“Without changing NEPA, the following suggestions would lead to adequate NEPA documents that are produced more quickly:”*

**Over 225 comments**

Internal DoD issues

Internal Coordination	13%
Length	12%
Planning, start earlier; integrate	11%
Review, internal	10%
Training	5%
Alternatives	4%
Legal Sufficiency	4%
CatEx	3%
Contracting	2%
Funding	2%
Programmatic	2%

<1%

- Air
- Automate process
- Cumulative
- Guidances
- Format
- GIS
- Impact analysis
- Mitigation
- Permits
- Personnel turnover
- Process (fill in the blank EA)
- Regulatory (DoD exemptions)
- Web

External to DoD

Consultation (USFWS, SHPO)	13%
Public	6%
Review by agency (not consultation)	4%

# Ways to fast-track projects

## Early on

- Better and earlier internal planning
- Earlier coordination with outside agencies

## Throughout the process

- Shorter on-topic documents
- Begin analysis at the appropriate time
- Reviewers should comment earlier, and should focus on critical issues
- Be willing to accept some risk

# 1. Better and earlier internal planning

- **Project proponents need to include NEPA in their planning: Involve environmental and NEPA staff earlier**
  - Environmental constraint maps
  - Identification of deal breakers
  - Cheaper, quicker project
- **Develop complete and final project description earlier**
- **Get buy-off from all internal staff**
- **Anticipate public and agency concerns**

## 2. Earlier coordination with outside agencies

- Meet with USFWS, SHPO and others early in the process
- Identify “hot buttons” for regulators
- Identify concerns; fix what you have to
- Keep the lines of communication open

*Early recognition and solutions for show-stoppers*

# 3. Shorter on-topic documents

- **Documents are too long**
- **Affected Environment**
  - Focus on relevant issues; eliminate extraneous discussions
- **Impact analysis**
  - Limit scope of analysis to relevant areas
- **Internal Review**
  - Be willing to ignore some internal review comments

# 4. Begin analysis at the appropriate time

- Once project description is 100% complete
- Once alternatives are better defined
- *Start too soon: will need to rewrite several times (“poor document syndrome”)*
- *Start too late: critical path issues; eliminate internal feedback loop*

## 5. Reviewers should comment earlier, and should focus on critical issues

- Leaving reviews to later in the process is more likely to lead to delays
- Authors should involve reviewers at project inception
- Non essential comments increase cost
- Completely eliminate word-smithing

## 6. Be willing to accept some risk

- Use the appropriate level of documentation (CX? EA?)
- Acceptance of less than perfect; non critical errors: “Let a draft be a draft”
- Bullet-proofing documents

# A final thought

**If you start NEPA earlier it is likely to**

- **Bring greater value to a project,**
- **Shorten the process and**
- **May even cost you less**