

# National Environmental Policy Act (NEPA) Reviews



U.S. DEPARTMENT OF  
**ENERGY**



NATIONAL  
**ENERGY**  
TECHNOLOGY  
LABORATORY

# What is a NEPA Review?

Projects supported by the Department of Energy are subject to the National Environmental Policy Act (NEPA). The NEPA process begins when a federal agency proposes to take a major federal action, including an activity or decision subject to Federal control. The DOE implementing regulations for NEPA can be found in 10 CFR part 1021. The environmental review conducted under NEPA can involve three different levels of analysis:

- **Categorical Exclusion (CX)**
- **Environmental Assessment/Finding of No Significant Impact (EA/FONSI)**
- **Environmental Impact Statement/Record of Decision (EIS/ROD)**

DOE determines the level of NEPA analysis based on the scope of the project, its location, and its potential to affect the environment, using project and environmental data provided by the applicant as well as other public data and information sources.

## *What Project Information does DOE Need to Determine the Level of NEPA Review?*

Applicants typically provide:

- **Environmental Questionnaire** (as part of application)
- **Environmental Information Volume** (Phase 1 deliverable)
  - Becomes basis for EA or EIS Chapter 3 – Affected Environment (environmental baseline)

Factors important in evaluating the level of NEPA analysis can include a wide range of data and information. Major information that should be provided include:

- **Project Location** – Where is it and what is it near?
- **Project Features** – What is being developed/built/operated?
- **Known Environmental or Cultural Resource Issues**

# NEPA Schedule/Timing

## **Environmental Assessment (6 to 8 months)**

- Draft EA for public comment and agency review (30 days)
- Final EA/Finding of No Significant Impact (FONSI)

## **Environmental Impact Statement (16-18 months, or more!)**

- Notice of Intent (NOI) – Federal Register/newspapers
- Public Scoping Period/Meeting(s)
- Draft EIS for public comment and agency review (45-60 days)
  - Notice of Availability (NOA) and Public Hearing(s)
- Final EIS/Comment Response Document
- Record of Decision (ROD) – minimum 30 day wait after Final EIS

# MAJOR TOPICS CONSIDERED UNDER ALL NEPA REVIEWS

A project subject to an Environmental Assessment or Environment Impact Statement will be reviewed to assess the potential impacts for a range of resources and topics. The level of detail and topics considered can vary based on the factors described under relevant project information. The following are considered for both construction and operation of most projects:

- **Air Quality and Climate Change** - Determination of emissions of criteria air pollutants generated by the project and analysis of potential impacts to air quality of the area. In addition, analysis of greenhouse gas emissions and discussions of potential impacts on climate change as well as implications of climate change on the project are considered.
- **Water Resources** - Analysis of potential affects to surface water quality that could result from wastewater discharge, stormwater discharge, wetland or waterway disturbance, filling of the floodplain, and other factors. Review of potential affects to groundwater from project withdrawals and discharges.
- **Natural Environment** - Analysis of potential impacts to sensitive environmental conditions including the potential for impacts to terrestrial and aquatic habitats, wetlands and floodplains, wildlife, game, and fisheries. Potential affects or constraints related to geology and soils are also reviewed. Threatened or endangered species may require consultation with the USFWS (freshwater) or NMFS (marine).
- **Human Environment** - Evaluation of potential impacts to the local community including affects to local infrastructure and community services, transportation, land use, and aesthetics. Determining whether minority and low-income communities would be disproportionately affected by potential environmental impacts.
- **Cultural Resources** - Evaluate, typically with consultation with the State Historic Preservation Officer (SHPO), whether the project has the potential to affect archaeological, cultural or historic resources. May also include consultation with Tribes as necessary.
- **Cumulative Effects** - Evaluation of potential impacts to the environment from the project combined with impacts of past, present, and future activities and natural processes.

# **“SPECIAL” TOPICS CONSIDERED UNDER NEPA (Project Site Specific)**

Depending on the nature of the proposed project and the location, other special topics or issues may also be addressed or considered in more detail in the following areas:

- Clean Air Act Conformity Determinations
- Coastal Zones
- Geologic and Mineral Resources
- Human Health and Safety
- Noise and Vibration
- Seismicity
- Traditional Cultural Properties
- Migratory Birds
- Biological Assessments
- Dredge or Fill
- Hazardous and Toxic Substances
- Navigable Air Space
- Prime Soils/Farmland
- Drinking Water Resources
- Visual Resources and Viewshed
- Accidental Releases

# Thank you

Mark Lusk, NEPA Compliance Officer

[Mark.lusk@netl.doe.gov](mailto:Mark.lusk@netl.doe.gov)

O: 304-285-4145

C: 412-337-9533

Fred Pozzuto, Assoc. Dir. NEPA Compliance Division

[fred.Pozzuto@netl.doe.gov](mailto:fred.Pozzuto@netl.doe.gov)

O: 304-285-5219

C: 304-719-1767