

NEPA and ECAS/EPAS--EIEIO
If We Don't Check It, Will It Get Done.

Ron Webster

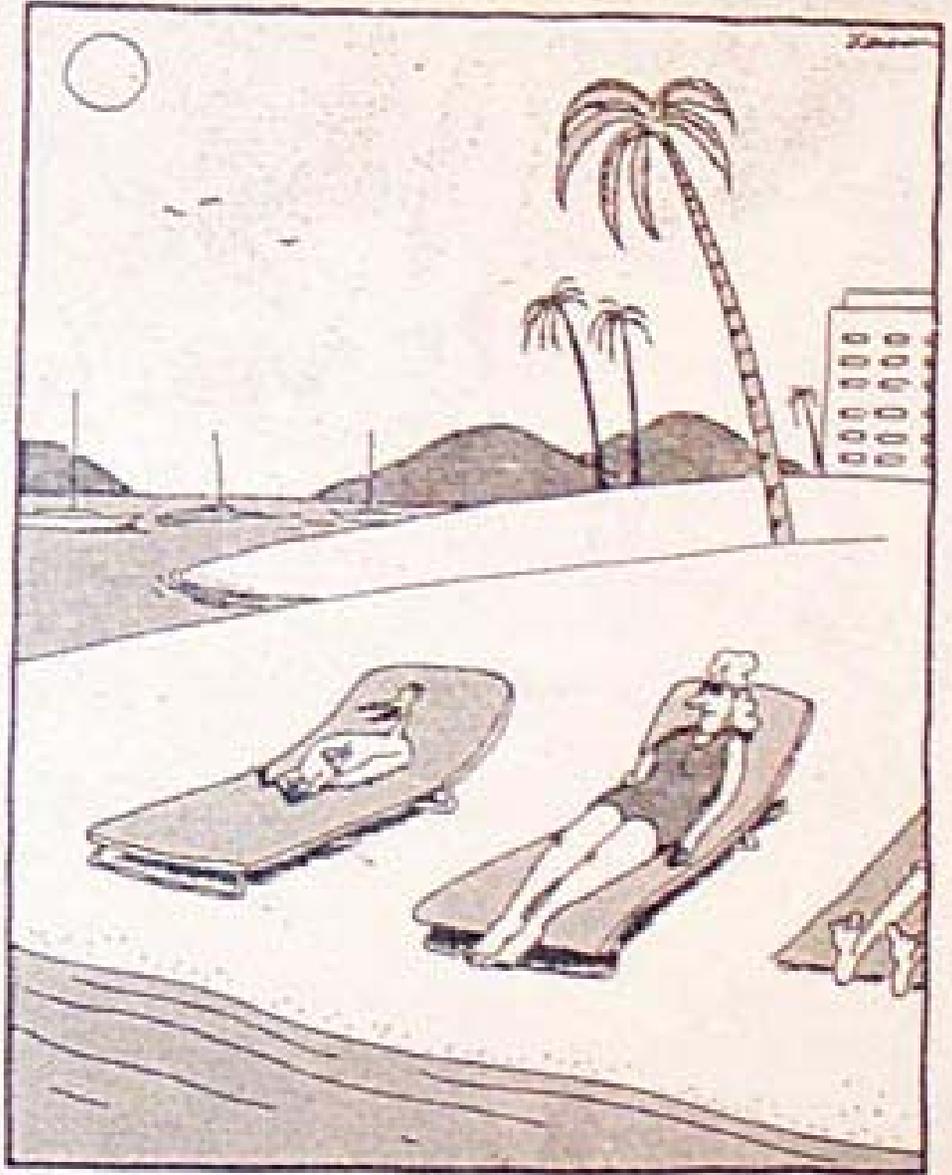
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The Free Range Chicken

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"Fools! They made me into a free-range chicken ... and man, I never looked back."

“the disclaimer”

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The Search for Performance (Audit) Metrics

- What Matters?
- The report---the “action forcing” provision and the Abilene Paradox.
- “Who in hell wanted to eat in Abilene anyway?”

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Are we looking for a change in behavior?

- More reports?
- Larger, prettier reports?
- More EAs? No EISs?

- “We spent \$1.3 on the EIS!”

- Just what are we looking for?

What did NEPA Intend?

- Informed Decisions
- Environment “in the Fray”
- Analysis of alternatives, prior to making decisions
- Selection of the best alternative, not necessarily the environmentally preferable

What do we complain about?

- Cost
- Time
- Usefulness

Impact Assessment (NEPA)

- Not “flower power” notion of the 60’s
- 1850’s emergence, man’s alteration of the landscape
- The conservation ethic and “conservatism”
- Epitomized by Teddy Roosevelt (Muir/Pinchot)
- Man’s ability to alter the world
- Full evolution of the industrial revolution
- Nixon administration (1969/1970)
-
- **NEPA’s conservative roots run deep**

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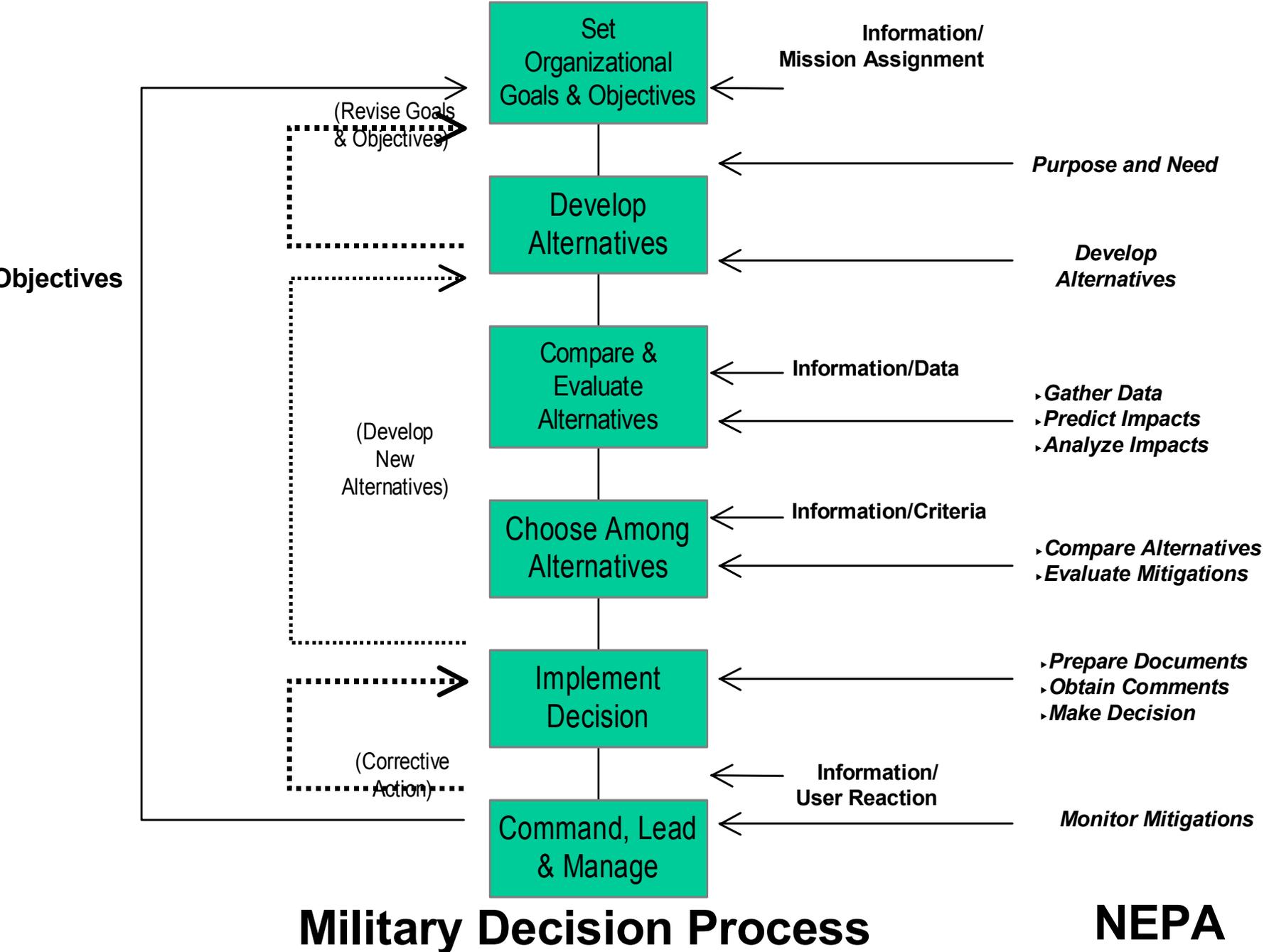
The Common Sense of NEPA

- Mission has primacy—not “environmental protection” act
- Recognition of trade-offs---mission again
- Faith in the “informed decision maker”
(Jeffersonian)
- Consistent with military decision making

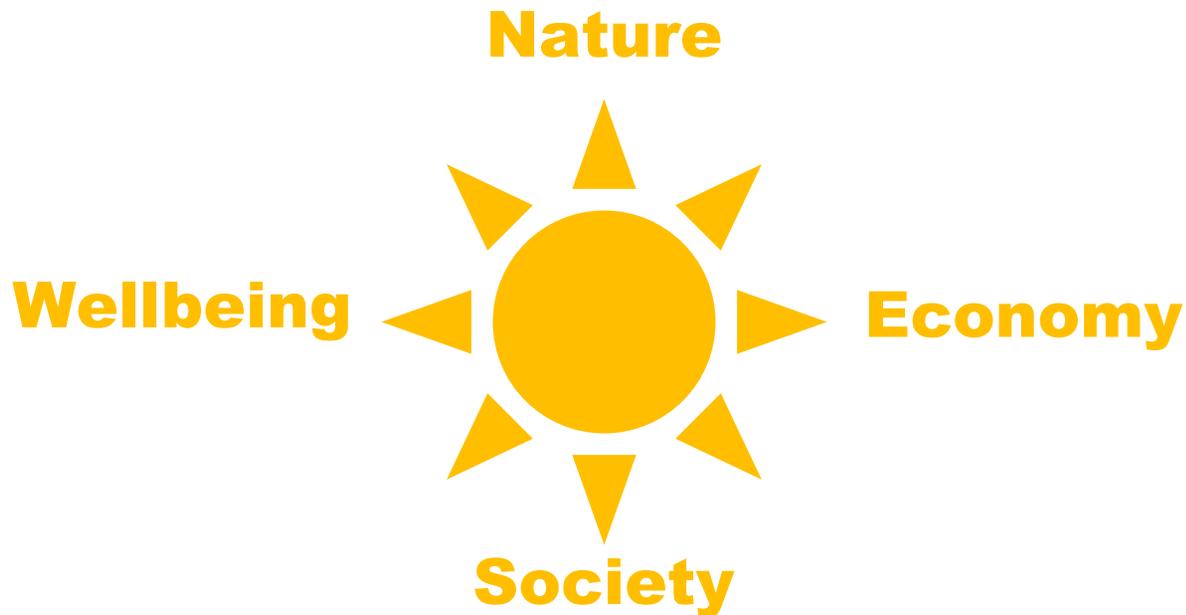
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Can NEPA Support Decision Making?

- U.S. Army War College, Army Command. Leadership, and Management: Theory and Practice , A Reference Text, Carlisle Barracks, 1992-1993, pg 7-5.



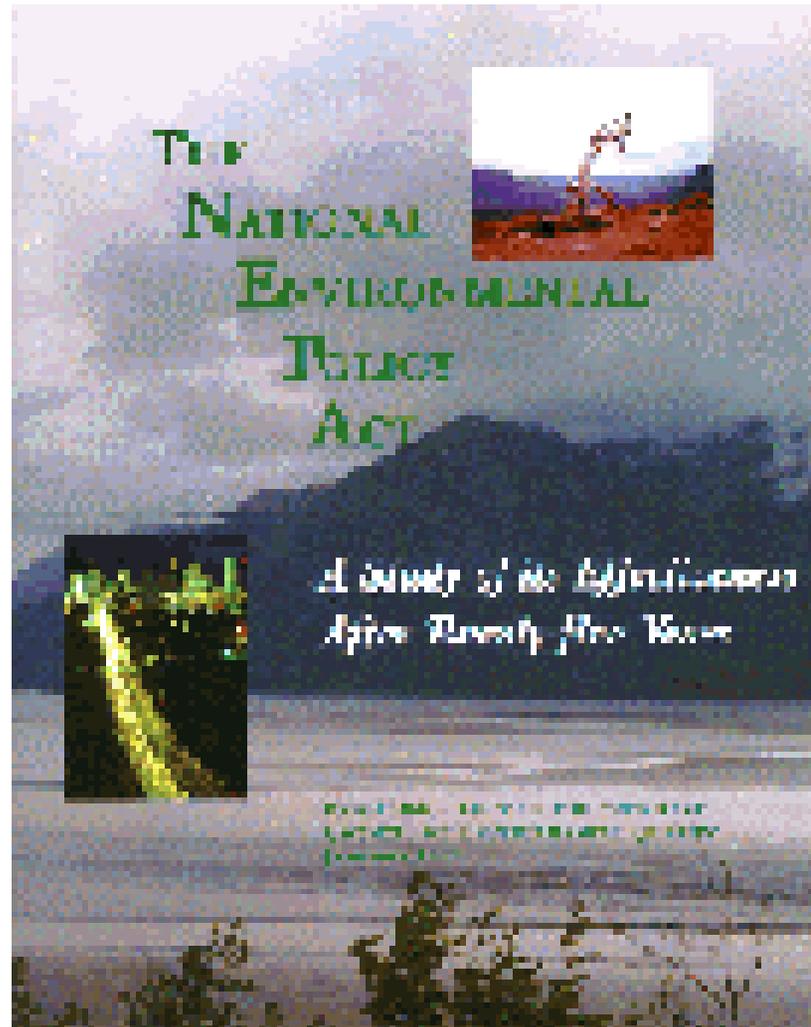
“Productive Harmony” includes...



and the Army mission

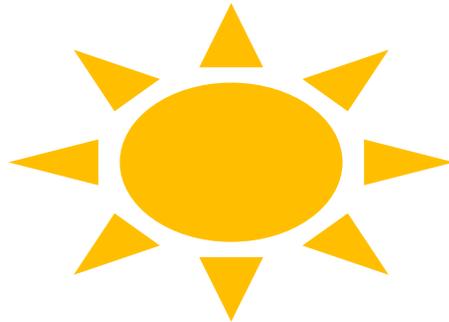
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NEPA's performance has been “spotty”



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- Secular priesthood---exclusionary
- Captured by academics---hard to understand
- Long and laborious---long time, lotsa bucks, hard to understand
- Little value to decision maker---see above
- Only “environmental”—too narrow
- Court cases over social and economic
- At odds with “productive harmony”



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The “Common Sense” of NEPA

- Obscured by the non thinking, “turn-the-crank” aspects of implementation
- Statutory requirement for each agency to codify implementation
- Tailor to safeguard the environment, while recognizing mission primacy
- EAs/EISs merely “action forcing” provisions

The Intent of the EA

- **EA (as envisioned): likelihood of potentially significant impacts prior to the embarkation of the EIS**
- **“Hard look”: Does the project warrant time and expense of detailed analysis?**

What Truly Matters?

- **EA determines significant issues**
- **EIS focuses on significant issues**
- **Pubic “scoping” can further limit extent of an EIS**
 - **Yost, Nicholas, "Memorandum for General Counsels, NEPA Liaisons, and Participants in Scoping", Executive Office of the President, Council on Environmental Quality, April, 30,1981).**

Focus

- **NEPA discourages the detailed analysis of insignificant or otherwise tangential issues.**
- **NEPA provides Categorical Exclusions (CXs).**
- **As designed, the process eliminates unnecessary analyses, time and cost.**

(AR 200-2 redux)

- **32 CFR 651, "Environmental Analysis of Army Actions", March, 2002)**
- **Conclusions and recommendations of the CEQ introspective**
- **Return to intended NEPA practice**

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Proponents/ practitioners must become familiar with NEPA

- **Focus should be placed on the analyses and the decisions, not documents**
- **Religious focus on CXs must end**
- **More programmatic analysis**

“EISs in EA clothing” : the “trick de jour”

- “mitigated EA” approach
- public dialogue is minimized, unless, of course, the public cares
- Smell and feel like an EIS: all issues in great (bulletproof) detail

- lack of focus
- costs huge sums
- take a lot of time
- value of real EA is lost
- real EA must be reincarnated

Assessment of Risk: An Informed/Aware Proponent

- **The fear (and loathing) is self-fulfilling prophecy**
- **NEPA becomes the “long pole” in the timeline “tent”**

Back on Track?

- Proponent must take appropriate early steps
- NEPA “ploys” may dictate a later crisis.
- If located in fragile, sensitive, or valued ecosystem; CX option is mute
- Community concerns are an essential component
- Importance (to the Army) must be established
- Lose the “bulletproof” approach
- Must reflect significant perceived impacts, potential controversy

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Critical Steps

- **Purpose and Need (P&N)**
- **Description of Proposed Action and Alternatives (DOPAA)**
- **If poorly-framed, NEPA can be a waste of time and effort**
- **Poor analyses are both costly and ineffective**
- **Without prior planning and candid assessments, NEPA can become a problem, not an asset (Shoot for the flip side)**

In Principle

- **NEPA implementation can be corrected, streamlined and improved.**
- **Principle focus should be on doing NEPA right:**
 - **Supporting better decisions**
 - **Focusing analyses on important issues.**
- **Gotta stop "turning the crank"**
- **Must support more thinking.**
- **A new idea is a great thing.**

What Performance Do We Want?

- Did we do NEPA? If so, who cares?
- Did it lead to a better decision? Save money? Make things work better?
- When did we do it? Did a decision maker see it?
- How long did it take, and how much did it cost?

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Did we do NEPA? If so, who cares?

- Must involve proponents and decision makers
- Is a defined process the answer?
Implications of EMS. “Watch for Abilene”
- Is the question being asked?

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Did it lead to a better decision? Save money? Make things work better?

- Need an eye of the prize.
- Will require thought; and some courage
- Environmental blunders are often costly
- Blunders get established early

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When did we do it? Did a decision maker see it?

- If a tree falls in the woods.....
- If no one cares, who's fault is it? The “old man” can't fix it, if he doesn't know.
- This is no time to be bashful.

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How long did it take, and how much did it cost?

- “from the 900’s”.—What do we brag about?
- Fiduciary responsibility.
- Why does it take so long?—”We have met the enemy, and

The Metric “Process” Handles

- First, a good process
- Eye on the prize—better decisions
- Watch for the Abilene city limits

- Did we make it easy?
- Did we do what we said?

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Did we make it easy?

- Integration—make one process do
- Programmatic---help the guy who comes later
- Focus on things that count

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Did we do what we said?

- Mitigations
 - Did we do them?
 - Did they work?
- Should we continue?

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It's our Sandbox

- Keep the other kid's happy
- Always keep the sand
- If it hurts, we should quit doing it

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Cumulative Impact Assessment: A Growth Area for NEPA Litigation?

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The “new bear in the woods”: SUSTAINABILITY

and what it means to the Army

and how cumulative impacts play out

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Definitions

Sustainability is ...

“Meeting the needs of the present without compromising the ability of future generations to meet their own needs”

- Brundtland Commission

“An approach to ensure the long-term viability and integrity of the mission by minimizing resource needs, reducing environmental impacts, and managing resources as to provide realistic training environments”

- Fort Bragg working definition

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Bibliography: The Book Club

***Believing Cassandra: An Optimist Looks at a Pessimist's World,
Mid-Course Correction: Towards a Sustainable Enterprise: The Interface Model***

Natural Capitalism: Creating the Next Industrial Revolution

Ecology of Commerce: A Declaration of Sustainability

***The Natural Step for Business: Wealth, Ecology, and the Evolutionary
Corporation***

Biomimicry: Innovation Inspired by Nature

Ishmael: An Adventure of the Mind and Spirit!

Today and Tomorrow

Our Stolen Future

Cool Companies: How the Best Businesses Boost Profits and Productivity

Dancing With The Tiger: Learning Sustainability Step by Natural Step

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Army Sustainability Book Club

Lessons Learned

- Evaluation of total system is essential
- Everything is connected to everything else
- Good decisions are often “outside the box”
- “Muda” must be eliminated (Army NEPA has Muda)
- New and emerging technology allows us to live more lightly on the earth
- Three forms of capital must be managed for the long-term: human, financial, natural

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Companies “built to last”

- Guided by principle (profits will come)
- “Preserve the Core” - ideological control
- “Stimulate Progress” - operational autonomy
- Yin/Yang
- Genius of “and”/ Tyranny of “or”
- Capital accounts: economic, natural, human

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Those “built to last”

1812 Citicorp

1837 Proctor and Gamble

1847 Philip Morris

1850 American Express

1886 Johnson & Johnson

1891 Merck

1892 General Electric

1901 Nordstrom

1902 3M

1903 Ford

1911 IBM

1915 Boeing

1923 Walt Disney

1927 Marriot

1928 Motorola

1938 Hewlett-Packard

1945 Sony

1945 Wal-Mart

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IMPACTS: Topic de Jour

- Interaction between MAN and his SURROUNDINGS
- NOTE: The word ENVIRONMENT is not used here
- Problem lies in definition:
 - Natural Environment?
 - Human Environment?
 - Both?

Man and Impacts

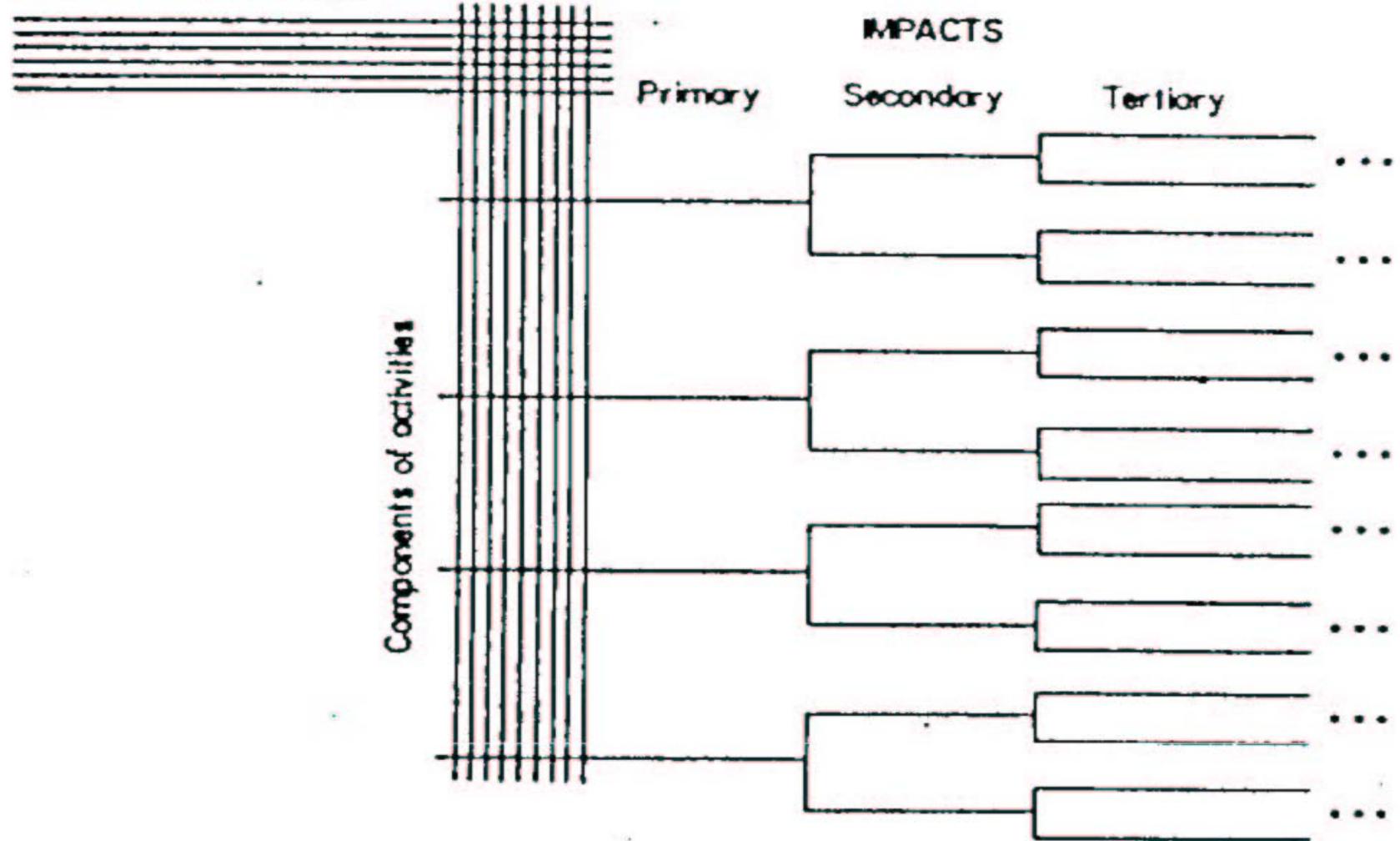
- Interaction Cuts Both Ways
- (The Relationship is Symbiotic)
- Man AFFECTS his Surroundings
- and IS AFFECTED by them.
-

Types of Impacts

- Direct ---directly related to action; same time and location
- Indirect---directly related; later in time; further removed
- Cumulative---a lot of small impacts

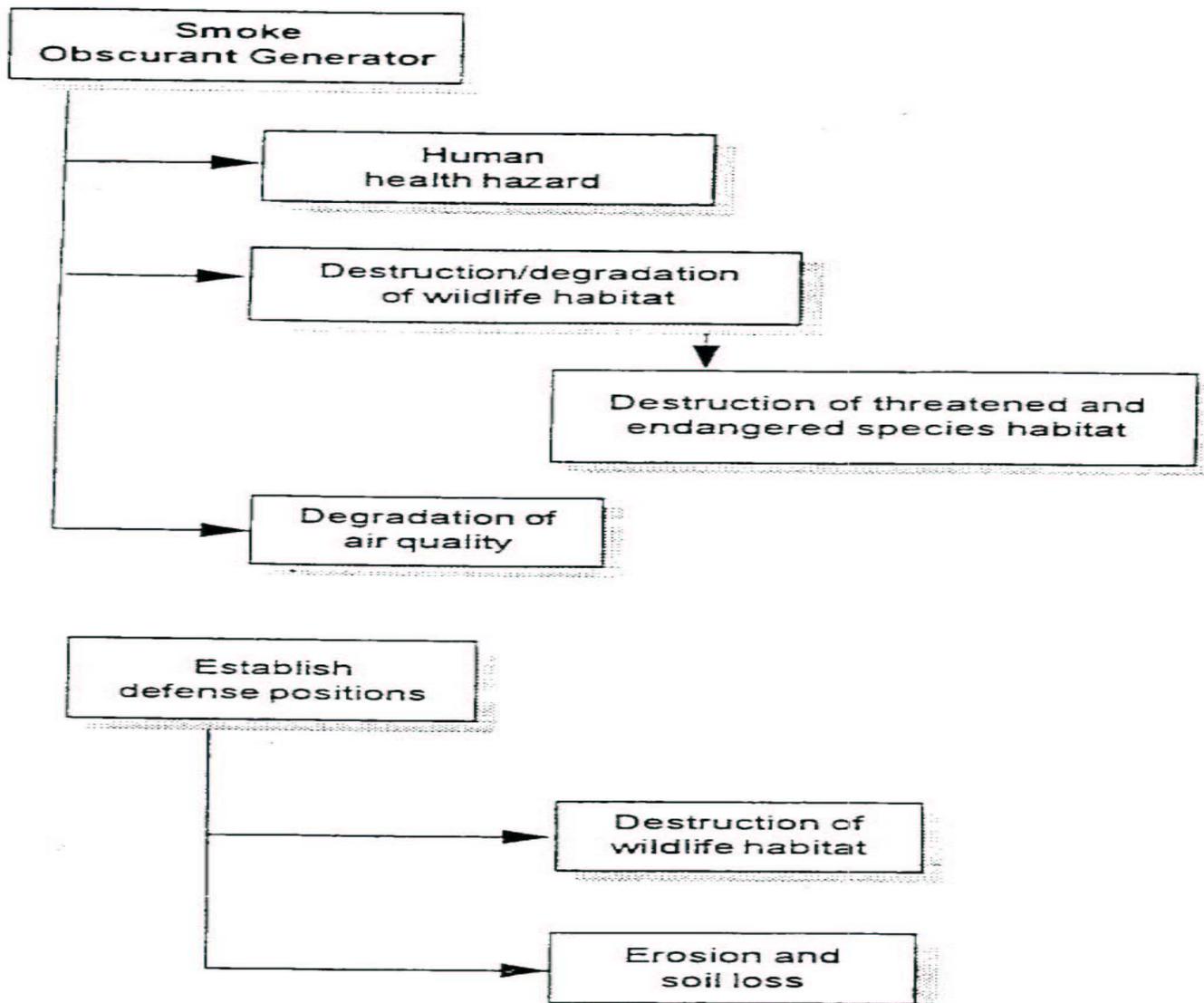
NETWORK

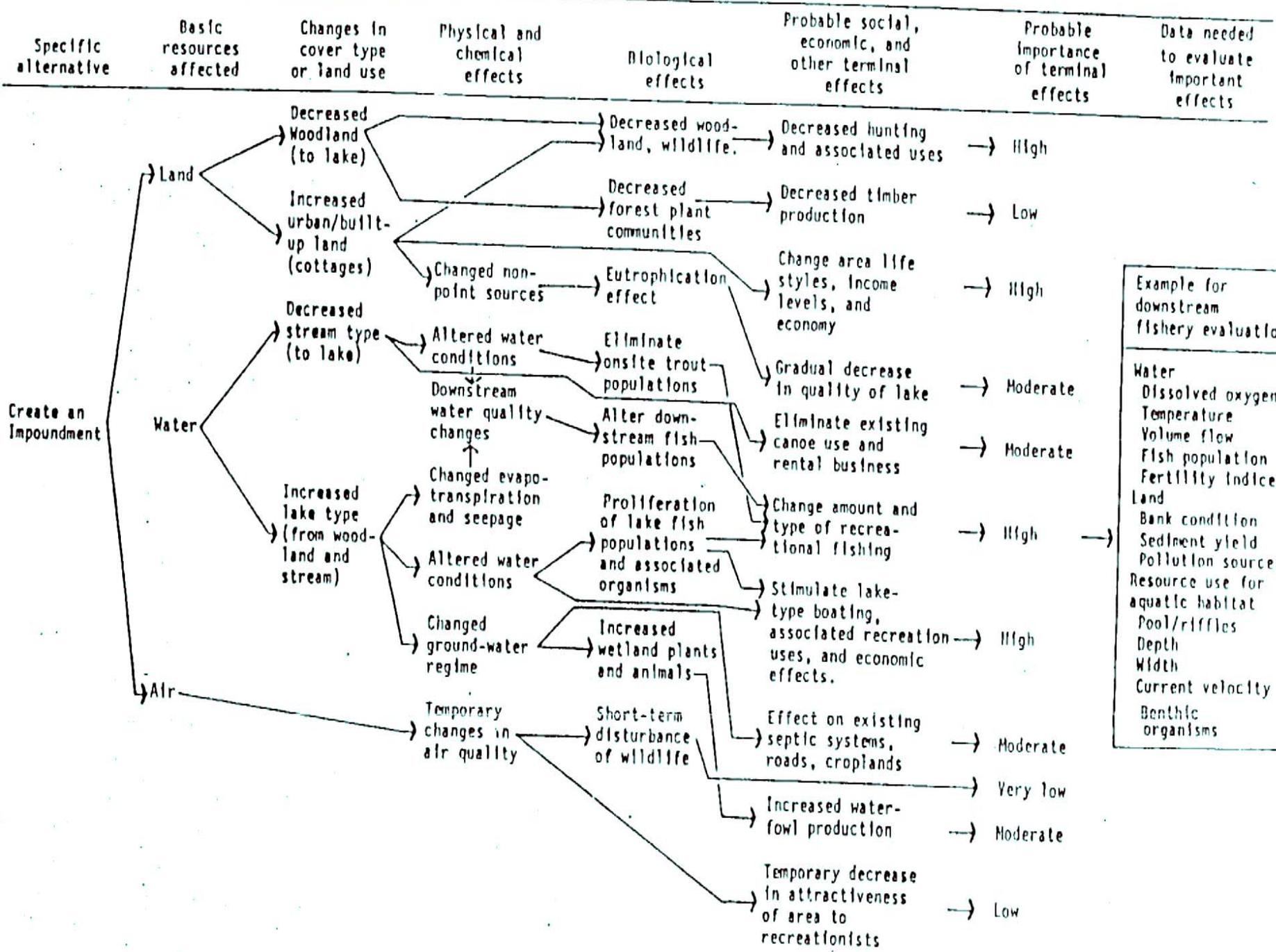
PROJECT ACTIVITIES



Conceptual framework of impact networks.

Exhibit 3.6. Investigation of Conceivable Effects



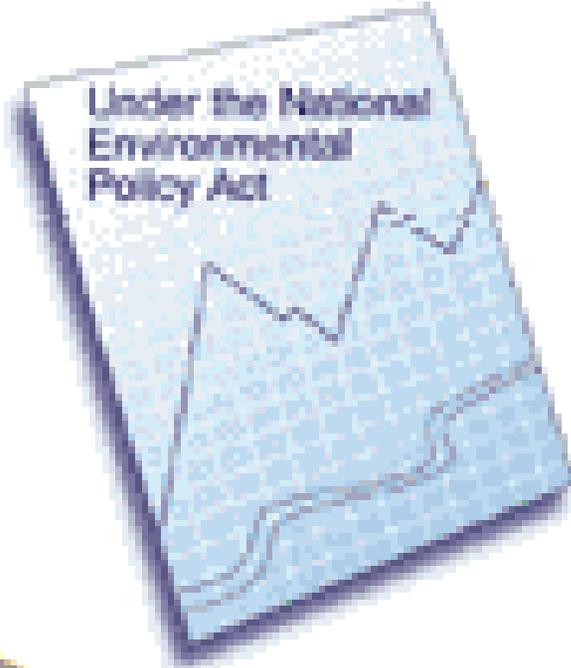


Cumulative: Particularly Important in the Long-term

- “Past, present, and reasonably foreseeable” actions
 - No matter who is doing it
-
- “tyranny of small decisions” (Odum)
- hard to address in traditional, step-wise sense
- action/impact paradigm doesn’t work

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Considering Cumulative Effects



Council on Environmental Quality
Executive Office of the President

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Example Cumulative Impacts

- Wetlands—dredge and fill
- Rangeland----grazing
- Acid rain----crosses boundaries
- Fish spawning---multiple dams
- Sprawl---development, highways
- Stream sedimentation---multiple sources
- Quality of life---the resort lament
- Cancer----carcinogens-----major time lag

Not a matter of simple addition

- Synergistic effects
- Thresholds
- Reversibility

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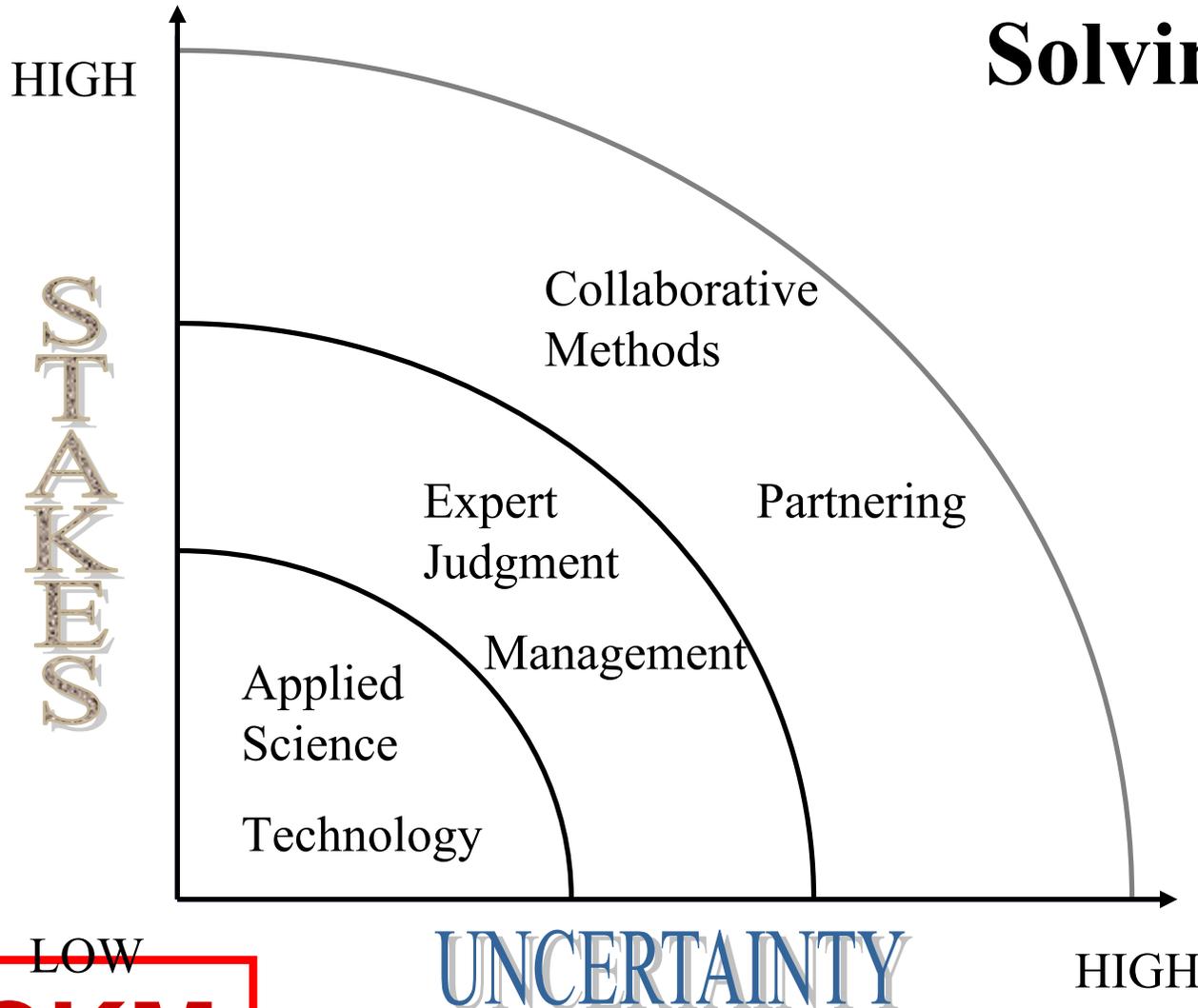
“It Caused Me To Think”

- David Yentzer: “This NEPA Thing Caused Me to Think”, presentation at Duke NEPA course
- “This sustainability thing caused me to think”

Best approach

- **Focus on the resource!**
- **(not a project scale issue)**
- **Involve the stakeholders**

Environmental Problem Solving



LOW

UNCERTAINTY

HIGH

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Scoping

- Issues
- Geographic Scope—different for each resource
- Time Frame for Analysis
- Other Actions/projects
- **“Listen, learn, adapt”**

Describing the Affected Environment

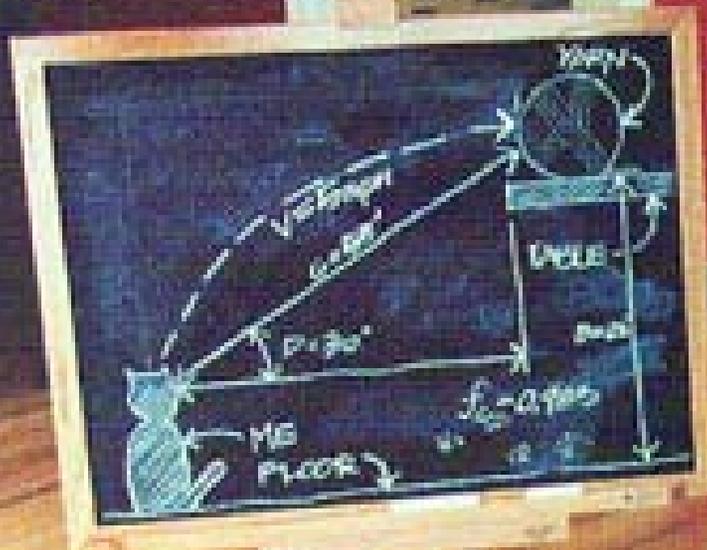
- Status of resources and systems
- Stress factors
- Regulations, standards, & plans
- Trends

Determining Environmental Consequences

- Cause-Effect relationships
- Network diagrams
- Magnitude and Significance of Impacts

Feedback

- Monitoring and Adaptive Management
- Carrying Capacity Analysis



Execution is everything.