

# **AASHTO Workshop: Managing the NEPA Process for Complex Projects**

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# Welcome

- Role of the AASHTO Center
- Purpose of this Workshop
- Presentation Format
- Introductions
- Agenda

# Agenda

- Welcome
- Overview Presentation
- Roundtable Discussions
  - # 1 Preparing for NEPA
  - # 2 Agency Coordination
  - BREAK --
  - # 3 NEPA Document Quality
  - # 4 Public Involvement

# Managing the NEPA Process for Complex Projects

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# Today's Focus

- Focus on the NEPA process for complex projects from the *project manager's perspective*:
  - Real-world issues and concerns
  - What works and what doesn't

# The Complex Project

To begin, what *is* a "complex project"?

# The Complex Project

- In general, it is a project that has . . .
  - Long history
  - High priority
  - Large-scale impacts and benefits
  - Well-organized support and opposition
  - Extensive media coverage
  - High potential for litigation

# The Complex Project

- If you're the head of the State DOT, this project will . . .
  - Tend to dominate all other issues
  - Consume disproportionate resources
  - Require your direct personal involvement
  - Define you and your agency in the media and the public eye

# The Complex Project

- If you're the project manager, this project means . . . .
  - Frequent contact with DOT leadership
  - Non-stop meetings
  - Schedule and budget pressures
  - High public profile
  - 24/7 demands

# The Complex Project

What is distinctive about the NEPA process for a complex project?

# The Complex Project

- Consider five aspects:
  - Project Team
  - Technical Tools
  - Process and Schedule
  - Agency Relationships
  - Stakeholders

## The Complex Project

# Project Team

- *The project team will actually be a "team of teams."*
- What this means:
  - Meetings "crowd out" time for other work
  - Multiple reviews of every document
  - Potential for miscommunication
  - Potential loss of accountability

## The Complex Project

# Technical Tools

- *Analysis of benefits and impacts will be heavily reliant on technical tools.*
- What this means:
  - Greater role for specialized experts
  - Potential for delay – e.g., to re-run model
  - Highly technical issues to explain in EIS
  - Potential for undiscovered flaws, glitches
  - Target for litigation challenges

## The Complex Project

# Process and Schedule

- *The process will involve multiple proceedings on parallel tracks: NEPA, Sec. 106, Sec. 7, Sec. 404, etc.*
- What this means . . .
  - *Integration* of parallel tracks is critical
  - Difficulties in one area have ripple effect
  - Schedule is “fragile”
  - Multiple targets for litigation

## The Complex Project

# Agency Relationships

- *Agencies will likely have divergent views on fundamental project issues.*
- What this means . . .
  - Even strong relationships will be tested
  - Process issues take on broader significance
  - Potential for impasse at key milestones
  - Likelihood of negative comments on DEIS
  - Potential difficulty obtaining permits

## The Complex Project

# Stakeholders

- *Stakeholders will include active, well-organized groups (for and against).*
- What this means:
  - High level of project knowledge
  - Detailed, in-depth comments
  - Willingness to devote substantial time
  - Capacity to retain own experts
  - Requests for access to underlying data

The Complex Project

# What is “Success”?

Given all of these challenges, what is a *realistic definition of success* in the NEPA process for a complex project?

## The Complex Project

# What is "Success"?

- If all goes reasonably well. . .
  - NEPA completed in 3 to 4 years
  - Resource agencies generally satisfied, if not enthusiastic
  - Base of public support remains intact
  - Costs have increased, but not extremely
  - Administrative record "good enough"

## The Complex Project

# What is “Success”?

- If it *doesn't* go so well . . .
- Any or all of the following:
  - 5+ years to finish NEPA
  - Delays cause data to become stale
  - Resource agencies strongly opposed
  - Political/public support weakens
  - Costs skyrocket
  - Administrative record “complicated”

# The Complex Project Discussion Issues

What can a project manager do to keep the project on track toward a successful outcome?

# The Complex Project Discussion Issues

- Consider four areas:
  - # 1 Preparing for NEPA
  - # 2 Agency Coordination
  - # 3 NEPA Document Quality
  - # 4 Public Involvement

## Discussion Issue # 1

# Preparing for NEPA

- *What steps should be taken before the NEPA process even begins?*
  - Legislative/policy support
  - Planning studies
  - Agreements on process and methodology
  - Data gathering
  - Model development

## Discussion Issue # 2

# Agency Coordination

- *What is the most effective framework for agency coordination?*
  - Frequency of meetings
  - Format of meetings
  - Expectations at key milestones
    - Agency “concurrence” vs. “comments”
  - Use of neutral facilitators
  - Funding arrangements

## Discussion Issue # 3

# NEPA Document Quality

- *What can be done to improve readability while ensuring legal sufficiency?*
  - Document structure
  - Document layout
  - Graphics
  - Use of technical editors and writers
  - Availability of supporting data

## Discussion Issue # 4

# Public Involvement

- *What public involvement tools are most effective when views are sharply divided?*
  - Field offices
  - Community Advisory Committees (CACs)
  - Alternative dispute resolution (ADR)
  - Neutral facilitators
  - Workshop format for public hearings
  - Meeting ground-rules/free speech issues