FOR YOUR CONSIDERATION

IMPROVING THE QUALITY OF NEPA DOCUMENTS
Improving the quality of NEPA documents and environmental documentation is broadly defined but includes both ...

... **readability** and **legal sufficiency**.
3 - Core Principles * …
… to guide preparation of quality NEPA documents:

• Tell the Story
• Keep it Brief
• Meet Legal Requirements

* A Report of the Joint AASHTO/ACEC Committee In Cooperation with the FHWA, May, 2006
1. Tell the **Story** of the project so the reader can easily understand the

• purpose and need for the project,

• how alternatives would meet project goals,

• the strengths and weaknesses associated with alternatives.

• the positive and negative results of the action
2. **Keep it Brief** as possible by using:

- clear and concise writing,
- an easy-to-use (navigate) format,
- effective graphics and visual elements, and
- discussion of issues and impacts in proportion to their importance.
IMPROVING THE QUALITY OF ENVIRONMENTAL DOCUMENTS

3. Meet Legal Requirements in a way that is easy to follow for:

- regulators,
- technical reviewers, and
- the public
DOCUMENT QUALITY

Overall Document Quality

• Improving the quality and readability of the NEPA document as a whole ... page layout, writing style, and use of graphics

NEPA and Related Requirements

• Improving portions of the document that address requirements under NEPA and other environmental laws ... purpose and need, alternatives analysis, methodologies, and mitigation.
TECHNIQUES FOR IMPROVING OVERALL DOCUMENT QUALITY

- Page Layout
- Writing Style
- Document Structure
- Navigation
- Abstracts
- Presentation of Data
- Figures
- Visualization
- Appendices
- References to Supporting Materials
PAGE LAYOUT

Add visual interest that alerts the reader to navigation aids and important information.

- Use white space to improve readability
- Use color for emphasis and to highlight important information
- Use a layout with photos and graphics integrated into text
WRITING STYLE

Documents “must be organized and written so as to be readily understandable by governmental decision-makers and by interested nonprofessional laypersons likely to be affected by actions taken ...” *

- Use clear, succinct, language
- Use bullets to summarize key points
- Explain key terms and concepts

* Or. Envtl. Council v. Kunzman (9th Cir. 1987)
DOCUMENT STRUCTURE

NEPA documents should be organized in a way that best conveys the purpose and need, alternatives and environmental consequences of the action:

• Combine chapters
• Placement and order of chapters
• Divide chapters into distinct discussions.
• Include chapters (or discussions): transportation issues, modelling, cost/financing, phasing, and other issues
Enhance the table of contents and index to make it easier for readers to move quickly and efficiently through the document:

- Include a brief discussion on “How to use this EIS”
- Provide road maps to the contents of the document
- Provide a Table of Contents in each chapter
- Include section and sub-section numbers in the header or footer
- Describe the contents of a DVD in the main volume
- Make PDFs text-searchable
ABSTRACTS

To summarize content that is provided in more detail in the document, chapter, or section.

• Include a preface at the beginning of the NEPA document (sometimes called a fact sheet)
• Include an abstract at the beginning of each chapter or major section
PRESENTATION OF DATA

Documents present large amounts of data on issues that can be overwhelming to readers.

• Move data into appendices - summarize in main body
• Include citations to data sources
• Overlay data on figures of the project area
• Use bar charts instead of tables
• Use color to highlight key data
FIGURES

Figures enable a reader to visualize conditions described in the text but can detract from readability if the figure itself is not clear, or it is difficult to correlate the description in the text to the figure.

• Labeling important features mentioned in the text
• Making important elements stand out clearly against the background
• Ensuring that the legend is clear and complete
Visualizations help a reader to “see” what the project looks like in the real world; replace or supplement lengthy and confusing text and engineering drawings.

- Use computer-generated images to show project elements in 3-D.
- Use photo simulations to show visual impacts of the alternatives.
- Including artwork in cross-section drawings to convey scale and context.
A common strategy for increasing readability of NEPA documents is to shift some content to appendices:

- Include specific cross-references to relevant technical reports
- Include a detailed list of the appendices in the table of contents
- Include aids to navigation within each appendix
- Include key appendices in the NEPA document or how and where to obtain copies.
REFERENCES TO SUPPORTING MATERIALS

NEPA documents include references relied upon in developing the document. The bibliography can be enhanced by grouping the references so they correspond to the chapters in the document.

- Organize references by chapter
- Include references at the end of each chapter
COMPLIANCE WITH NEPA AND OTHER REQUIREMENTS

TECHNIQUES FOR QUALITY DOCUMENTS
DEMONSTRATING COMPLIANCE WITH NEPA AND RELATED REQUIREMENTS

- Purpose and Need
- Alternatives Analysis
- Methodologies
- Mitigation/Commitments
- Regulatory Compliance
- Responses to Comments on DEIS
- Changes During the NEPA Process
PURPOSE AND NEED

Important element of a NEPA document - provides basis for the range of alternatives and in determining alternatives that can be approved under 404 (CWA) and Section 4(f).

• Provide clear, succinct statement
• Use bullets to itemize purposes and needs
• Provide supporting data to support the needs (can be in the appendices)
• Use graphics to illustrate needs
• Address 23 USC 139 requirements (for transportation)
ALTERNATIVES ANALYSIS

Alternatives chapter should focus on issues of greatest interest to readers but the analysis must be rigorous and precise in a way that promotes both readability and legal sufficiency:

- Summarize criteria and approach used in screening
- Describe key elements of each detailed-study Alt.
- Describe any improvements included in the No-Build
- Use side-by-side graphics to highlight differences
- Summarize refinements made after the draft EIS
- Address 23 USC 139 requirements
METHODOLOGIES

Describing methodology enhances credibility of the process, helps the reader to see the careful, systematic process used, is a way to explain data and introduce technical terms and concepts. Results can be misleading if the reader does not understand how they were developed.

- Describe methodology before the impacts analysis for each resource
- Provide step-by-step explanations of complex methodologies
- Prominently define important technical terms (in a text box)
- Explain any changes in methodologies during the process
- Provide a methodology overview at the beginning of the impacts chapter
MITIGATION / COMMITMENTS

Proposals likely include a number of environmental commitments. A quality NEPA document describes mitigation and commitments and explains how they will be implemented.

- Include a chapter or section that lists or summarizes commitments
- Define who is responsible and what “will” be done
- Explain the process for ensuring that commitments are implemented
NEPA documents discuss required compliance with environmental laws - historic, parklands, water resources, endangered species, etc.; and Executive Orders - wetlands, floodplains, environmental justice, etc.

- Describe the regulatory setting and use regulatory terminology correctly
- Include dates of key events and correspondence
- Include required findings
- Include key documents in appendices (agency concurrence letters)
RESPONSES TO COMMENTS

Quality responses to comments allows readers to ascertain the range of issues raised and how they are addressed. Allow commenters to locate comments and responses and see that responses to similar comments are consistent.

- Include an index of comments and where responses are found
- Include a summary response to common issues
- Summarize key / substantive issues
- Include technical reference to support responses to complex technical issues
CHANGES DURING THE NEPA PROCESS

FEISs likely includes updates to the DEIS - new data, changed conditions, changes in the design / location of alternatives… Making it easier to identify changes and new situations will enhance the readability and completeness of the NEPA document.

- List “changes in this chapter” at the beginning of each chapter
- Summarize agency coordination after the draft EIS
- Explain changes in data sources or methodology
- Describe refinements made to the alternatives
- Summarize findings of reevaluations, if applicable
OTHER THINGS TO THINK ABOUT

• Understand the issues – “count what counts”
• Designate the “document team” early: Project Manager, technical experts and production staff
• Appoint an “Editor-in-chief” to manage document preparation – roles, schedules, quality control.
• Use the scoping process effectively
• Decide up front on format and storyboard the content
• Use Single voice