

memorandum

Albuquerque Operations Office

Los Alamos Area Office

Los Alamos, New Mexico 87544

DATE: AUG 04 1994

REPLY TO

ATTN OF: LESH:4DW-066

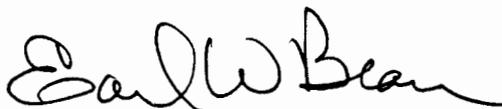
SUBJECT: Policy, Enhanced Stakeholder Involvement in the National Environmental Policy Act Review Process

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Attached for your information and implementation is the Los Alamos Area Office policy for enhanced opportunities for stakeholder involvement in the National Environmental Policy Act (NEPA) review process. This policy was formulated in response to an initiative by Area Manager Jerry Bellows following a Pecos Retreat last winter.

The policy provides for public involvement opportunities in the environmental impact statement and environmental assessment review process beyond those mandated by law, regulation, or the recent Secretarial NEPA Policy. Its implementation will fulfill our pledge to make both historical and future NEPA review documents available to the public, and to provide for meaningful public input early and often in the NEPA review process. Implementation of this policy will become even more important as the delegation of authority for environmental assessments moves from headquarters out to the field offices.

If there are any questions on this policy, please contact Diana Webb, NEPA Specialist, at (505) 665-6353.



Earl W. Bean
Acting Area Manager

Attachment

cc:

See page 2



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TR

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Addressees

2

cc w/attachment:

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POLICY
ENHANCED OPPORTUNITIES FOR STAKEHOLDER INVOLVEMENT IN
THE NATIONAL ENVIRONMENTAL POLICY ACT REVIEW PROCESS

LOS ALAMOS AREA OFFICE, DEPARTMENT OF ENERGY
August 1994

The Los Alamos Area Office (LAAO), Department of Energy (DOE), recognizes the value of stakeholder involvement in making decisions regarding DOE activities and operations at the Los Alamos National Laboratory (LANL). A key element in the DOE decision-making process is the environmental impact review performed under the National Environmental Policy Act (NEPA). Among other things, NEPA governs the preparation of environmental impact statements (EISs) and their related records of decision (RODs), environmental assessments (EAs) and their related findings of no significant impact (FONSIs), and other documents. One of the purposes of NEPA is to afford the public input into the government's decision-making process, and to lay open that process to public scrutiny. Certain public participation opportunities are mandated by NEPA, its implementing regulations (40 CFR 1500), and DOE's NEPA compliance regulations (10 CFR 1021). The DOE "Secretarial Policy on the National Environmental Policy Act," June 1994, and the DOE Public Participation Policy, July 29, 1994, provide additional direction for enhanced public involvement. While LAAO will make every effort to meet these conditions, it is the intent of LAAO to go beyond the minimum requirements to serve the public good.

Therefore, it is the policy of LAAO to provide timely and meaningful opportunities for stakeholder involvement in the NEPA process, and to be responsive to stakeholder concerns. At a minimum, this shall be accomplished in the following ways.

Document Availability. LAAO will make NEPA review documents and other materials discussed below available for public review at the LANL Community Reading Room, 1450 Central Avenue, Suite 101, Los Alamos NM 87544, (505)665-2127.

Environmental Assessments.

Although there is no regulatory or procedural requirement for DOE to offer opportunities for public input into or review of EAs, it is the policy of LAAO to consult with the public and other stakeholders while determining the scope of analysis in an EA review, and to make EAs publicly available at the same time they are offered to the state and affected American Indian tribes for preapproval review.

- **Public Notice.** At the same time that DOE provides the state and affected tribes with early notification of the intent to prepare an EA, LAAO will provide additional public notice through news releases, etc., as appropriate.
- **Scoping.** As soon as practical after determining to do an EA, LAAO will consult with stakeholders to assist in determining the scope of analysis for the EA. This may be done through public meetings or workshops, requests for written comments, meetings with local governments, consultation with the state and affected American Indian tribes, or other means as appropriate for a given project. A summary of the scoping process, and the disposition of comments received, will be included in the EA.
- **Availability of Preapproval EAs.** At the same time that DOE makes EAs available to the state and affected tribes prior to final approval of the EA (and before making any decision as to whether to proceed with the project assessed), LAAO will make the EA available to the general public as well. At a minimum, this would include placing the preapproval EA (and related documents, if appropriate) in the Community Reading Room, and providing a copy of the preapproval EA to individuals and groups upon request. For projects with sufficient public interest, this would also include providing the public with the

opportunity to review and provide comments on the EA prior to its approval. In either case, public notice will be given through news releases, etc. as appropriate. A summary of comments received, and their disposition, will be included in the final EA or the FONSI.

- **Availability of Final EAs.** When DOE finishes an EA involving a proposal at LANL, LAAO will notify the public that the EA has been completed. This may be done through news releases, etc., as appropriate. A copy of the completed EA (and related documents, if appropriate) will be placed in the Community Reading Room, and copies will be provided to individuals and groups upon request.
- **FONSIs.** Normally, DOE will issue a FONSI concurrently with the completed EA. In some cases, LAAO may provide proposed FONSIs to the public for review and comment before issuing a final FONSI. Final FONSIs will include a summary of any comments received on the proposed FONSI, and their disposition. A copy of proposed and final FONSIs will be placed in the Community Reading Room, and copies provided to individuals and groups upon request. The public will be notified of the availability of proposed and final FONSIs through news releases, etc., as appropriate.

Environmental Impact Statements.

Providing the public with the opportunity for involvement is mandated at certain steps of the EIS process. Public input is requested during the scoping process, and the public is given the opportunity to review and comment on draft EISs before the final EIS is prepared. DOE requires that a public meeting be held during the scoping process and a public hearing be held in conjunction with the review of a draft EIS. In addition to these requirements, it is the policy of LAAO to maximize opportunities for public input into the NEPA review process, and facilitate public involvement, to the extent feasible.

- **Public Notice.** The NEPA process is initiated by publication of a Notice of Intent (NOI) in the Federal Register. Recognizing that not everyone has access to the Register, LAAO will supplement the NOI with additional public notice through news releases, fact sheets, or other ways as appropriate, and will similarly advise the public of items of general interest throughout the EIS process.
- **Meetings.** At a minimum, LAAO will conduct formal public scoping meetings and formal public hearings at Los Alamos and Santa Fe; meetings or hearings may be held in additional locations as needed. Informal workshops, informational meetings, progress reports, public tours, or other types of informal meetings as suitable for a given project may be held at LANL, Los Alamos, or other locations as appropriate, at any time during the EIS review process.
- **Scoping.** In addition to the formal public meetings typically held as part of the EIS scoping process, LAAO will provide informal opportunities for public involvement as described under "meetings." A transcript of formal meeting comments, summaries of informal scoping meetings, and copies of written comments will be made available as soon as possible in the Community Reading Room. A summary of the scoping process, and the disposition of comments received, will be included in the EIS; however it may not be feasible nor desirable to print in the EIS all scoping comments or a point-by-point comment response to scoping comments.
- **Draft EIS.** In addition to the formal public hearing held as part of the review process, LAAO will provide informal opportunities for public involvement as described under "meetings." A transcript of formal hearing comments, summaries of informal meetings, and copies of written comments will be made available as soon as possible in the Community Reading Room. The draft EIS, final EIS and other related material will be available for public review at the Community Reading Room.

- **RODs.** RODs are generally published in the Federal Register. Recognizing that not everyone has access to the Register, LAAO will supplement the formal notice of the ROD with additional public notice through news releases, etc. A copy of the ROD will be placed in the Community Reading Room as soon as possible after it is signed, and copies provided to individuals and groups upon request.

Other NEPA Documents.

It is the policy of LAAO to make all NEPA documents related to DOE activities at LANL available to the public. This may include, for example, EAs or EISs prepared by another DOE office, correspondence documenting LAAO NEPA reviews, or other documents regarding the LAAO NEPA review process. Copies of NEPA review documents will be placed in the Community Reading Room, and copies of individual documents will be furnished to groups and individuals upon request.

With LANL's assistance, LAAO will make available in the Community Reading Room a complete historical record of past NEPA reviews. This primarily consists of EAs and FONSI, but will also include prior types of NEPA documents such as Memoranda to File, Action Description Memoranda, and other similar documents that are no longer prepared to document NEPA reviews. LAAO recognizes that not all past documents are still available, but will endeavor to provide a complete historical record to the extent possible.

Under DOE regulations, certain activities may be categorically excluded (CXed) from preparation of an EA or EIS. DOE requires that certain CXs be documented. For LANL projects, this is typically done by preparing a Department of Energy Environmental Checklist (DEC) and a formal DOE CX determination memorandum. Completed CX documents will be made publicly available; however, LANL DEC that have not culminated in a formal DOE NEPA determination are considered predecisional and will not normally be considered available for public review.

Affected Stakeholders.

Public participation in the NEPA process includes the role of the State of New Mexico, American Indian tribal governments, and other local or federal agencies as well as the general public. Although the opportunity to participate is extended to any affected Indian tribe, under the Accords signed in 1992, the four Pueblos of Cochiti, Jemez, Santa Clara and San Ildefonso are understood to be affected tribes and their tribal governments will be offered participation opportunities. Other tribes may identify themselves as affected by a particular project, and their governments will be given special consideration throughout the duration of that specific NEPA review.

LAAO recognizes that employees of LANL and DOE are stakeholders with an interest in the NEPA process. Employees are encouraged to participate in and become informed about NEPA reviews for LANL projects. However, individual employees speaking in a public setting should indicate whether they are speaking on behalf of LANL or DOE, or as individuals.

Commenting.

DOE is required to solicit comments from the state and local governments, affected Indian tribes, other federal agencies, and the general public at specific times in the NEPA review process. In general, DOE is required to seek public comments as part of the scoping process for an EIS, on a draft EIS, and on a proposed FONSI. As discussed above, LAAO may seek public comments at other times in the NEPA review process, such as to determine the scope of an EA. The public may choose at any time to provide comments to LAAO regarding a specific NEPA review, or the NEPA review process in general. LAAO will make every effort to answer these comments in a timely manner, and will consider substantive comments in the next appropriate step of an ongoing NEPA review.

Coordination with Other Offices.

LAO will coordinate opportunities for stakeholder involvement with other DOE offices, particularly DOE headquarters and Albuquerque Operations Offices, and with LANL. LAAO will involve other DOE field offices if relevant for a specific project. LAAO will work with the public affairs officer of these other offices to ensure that consistent and timely information is provided to the public. LAAO will provide copies of correspondence and information sheets concerning stakeholder involvement opportunities to headquarters and Albuquerque program and NEPA oversight elements, and to LANL staff. LAAO will invite headquarters and Albuquerque public affairs, program, and NEPA oversight personnel to participate in public meetings and workshops as appropriate.

Effective Date.

This policy shall become effective immediately. For new NEPA reviews, all steps of the review will be subject to the provisions above. For NEPA reviews already underway, the provisions above will apply to those steps in the review process that have not yet occurred. While completed portions of ongoing reviews need not be redone, consideration may be given to incorporating increased opportunities for stakeholder involvement to the extent feasible.

Date: 8/3/94

By: 
Earl W. Bean
Acting Area Manager