

NAEP and NEPA: Context, Perspectives, and Truisms

By Ron Deverman

Context and Perspectives

NAEP professionals who are NEPA practitioners are aware of Title I, Section 102 of NEPA. It is the main section of NEPA from which the CEQ guidance (40 CFR 1500- 1508) originates. Interestingly, we also find in NEPA's purpose statement and Section 101 nobler passages that reveal the inspiration I believe compelled the authors of NEPA to craft a national environmental policy. In 1989, I attended my first NAEP annual conference. I had a poster that year on an innovative public involvement approach that integrated working groups and Expert Choice software into the decision-making process for a major State of Illinois roadway corridor. I was in awe of the professionals around me. At that conference, I listened to Rich McLean and Don Hunsaker, Jr. speak about NEPA, I attended sessions in the NEPA symposium, even met Charles Zirzow (a NAEP founder) and I was hooked; I was inspired. I became a NAEP member the following year (have been ever since) and that same year co-founded NAEP's Northwest Chapter after meeting two other environmental professionals from Washington State on San Antonio's riverwalk (San Antonio was the site of the 1990 NAEP Conference).

As many of you know, the impetus for a comprehensive environmental policy began in the 1960's. The decade that gave rise to NEPA was a decade of change and concern. Some of you reading this article experienced that turbulent decade of rampant pollution, deteriorating environmental resources, an assassinated president, war in Southeast Asia, a nation in civil rights turmoil, among other alarming events. The Santa Barbara oil spill, the death of Lake Erie, and the polluted Cuyahoga River in Cleveland burning out of control are images that some of us will never forget. So, it was a decade of awakening environmental insight – insight that was seen through the eyes of our best scientists, ecologists, and even this nation's authors, Rachel Carson among them. As a nation, we were finally realizing the importance of accounting for the consequences of human activity on our country's environmental resources.

In 1975, five years after President Nixon signed NEPA into law, NAEP was founded in Washington DC as a national not-for-profit environmental association, and became the focused home of NEPA. The founders of NAEP understood the importance of knowledge sharing and learning from each other's experience. The early conferences were essentially NEPA Symposiums; the practice of NEPA was young. The intent of NEPA's effectiveness during the early years was that through heightened awareness there would be better and more open discussion of the environmental effects of project alternatives. Rich McLean saw that; Don Hunsaker, Jr and Chuck Zirzow saw that: and the venerable Norm Arnold saw that. Through the first two decades of NEPA there was attention on better documenting the environmental consequences of our infrastructure decisions. And there was the recognized need for more open public dialogue on the potential environmental effects of project proposals. With the decades, NAEP was there every step of the way. NAEP's NEPA practitioners now began to understand the science and they were able to analyze and document more accurately what human activities on the land were truly doing to the environment.

Those of us who have been doing NEPA projects for 20 or 30 years know there has been a lot of "gut-checking" in our business. In other words, within the sphere of our project work, the results of our analyses may not measure up to realities in the study area. Yet we improved and NAEP was there. As one example, Bob Cunningham (agency contributor), Matt McMillen (primary author) and Larry Canter

(peer reviewer), all avid NAEP members, developed and fully vetted at two NAEP annual conferences CEQ's 1997 landmark publication *Considering Cumulative Effects Under the National Environmental Policy Act*. From the beginning NAEP was on the frontier of NEPA practice.

Connections and the Practice

I believe all of us NAEP members who are NEPA practitioners have our breakthrough stories that either informed or inspired our careers, or perhaps presented themselves as high, unforgettable moments in our project work. These stories may be of challenging transportation projects, the siting of hazardous waste facilities or electrical transmission lines, or some other development project where need has been determined. The outcomes of these projects may have included the restoration of wetlands, entire ecosystems, or the preservation of critical threatened and endangered species habitat. These projects may have also resulted in more effective land use policy, the permitting of alternative energy systems, or a community's strategy for multi-modal connectivity. All these project solutions fall under the umbrella of NEPA and they also fall under the multidisciplinary nature of NAEP. NAEP is an association of connections and relationships. Recently, I received an e-mail from John Irving, NEPA specialist at the Idaho National Laboratory. He had just re-read my article entitled "Head, Heart, Hands: Painting the Images of NEPA" and as his email noted, the article reminded him of why he loves NAEP.

Through NAEP, we have grown in knowledge and experience; our NAEP NEPA practitioners can more accurately predict the impacts and outcomes of proposed land development and, in turn, more insightfully recommend mitigation measures to reduce or virtually eliminate those impacts, ensuring sustainable "in place" performance. Through NAEP's respective national committees, our scientific knowledge and analysis can now better inform local officials and residents and help them reach better project decisions, decisions that are more synchronized with what people value most. We are more connected than ever before, to each other as professionals and to our environment that we serve. We are more connected through better science, better technology, better and more viable communication and dialogue. In all cases, as NAEP environmental professionals doing NEPA work, we have stepped forward and stepped up when the project and the moment presented itself. We have all been leaders and NEPA champions through the decades, carrying out the spirit and intent of our national environmental policy.

True Purpose and Inclusiveness

I have always believed that a desk is a dangerous place from which to conduct environmental studies. If we truly want to take a deeper look at the effects of a lead agency's actions, it is imperative that we spend as much time as possible in the field when we are doing our research and data collection. For when we move to the field, we move beyond a nature that has been intellectually defined and constructed.

The "NEPA is inclusive" and "Well-Being" figures in this article are images I have used in several national and international conference presentations, including NAEP, an APA/TRB summer workshop, an American Public Health Association conference, and the 1st International Conference on Transport and Health in London.

As the "inclusive" image shows, NEPA does encompass everything, all social, economic, and environmental resources and factors, and the viable, equitable and predominantly borne interplay and interconnectedness of these resources. It requires interdisciplinary teams working together. NEPA

practitioners know that the Affected Environment section of our environmental documents describe the existing conditions of the natural and man-made surroundings. In other words, the project area's natural resources, varying land uses, historic, cultural and community resources that all create the picture of what is here and now.

But we also know it is more than that. Through my professional associations in NAEP I have learned that listening to residents within an affected neighborhood or community is one way to discover and hold a keener knowledge of place. If NEPA analysis occurs outside the realm of this community or the realization of place, our ability to accurately describe the natural and human landscape is compromised. The indigenous knowledge of residents draws us closer as NEPA practitioners to the more qualitative values their place has on a particular natural or built resource, much more than water samples or wetland delineations can reveal. We must be willing to listen empathically to residents, embrace each other's differences, and welcome the trust that develops with this fuller understanding. I believe this is when we achieve the true intent of what NEPA's purpose statement and Section 101 inspire us to – "a productive and enjoyable harmony" among the human and natural environment.

NAEP and NEPA Today

NAEP and NEPA have both matured over the past 42 and 47 years, respectively, that is certainly true. The environmental professions are not the same in the 21st century as they were in the mid-to-late 20th century. Climate change, the assessment of greenhouse emissions, natural disaster recovery, and adaptive management are newer areas of NEPA focus. But I believe NEPA is as applicable today as it was yesterday, as it is tomorrow. Dr. Lynton Caldwell (the father of NEPA), Nick Yost (primary author of CEQ's NEPA regulations), Ray Clark and Dinah Bear (former Chief Counsels for CEQ) have all graced our NAEP conferences with their wisdom. NAEP continues to be a leader in NEPA practice, our NEPA Practice group under the recent leadership of Ron Lamb, NEPA specialist for the US Marines, and now Chuck Nicholson, former NEPA specialist for TVA, is as active as ever. In 2015, we completed and issued the final report for the NAEP/CEQ Pilot Project on *Best Practice Principles for Environmental Assessments*, much to the excitement and satisfaction of Horst Greczmiel, who was then Associate Director of NEPA Oversight for CEQ and a regular speaker at our NAEP conferences and NEPA sessions. Horst has always seen NAEP as the go to NEPA association. The *BPPs for EAs* final report was the culmination of a three-year research and study effort, with BPPs being vetted at two NAEP conferences. Ted Boling, current Associate Director of NEPA Oversight, has noted there will be future CEQ guidance on EAs that use the NAEP/CEQ final report as a foundation resource. In April 2016, I Co-Chaired the NAEP Annual Conference in Chicago with Rona Spellacacy from the Northwest Chapter. I also participated in one of the Cohen NEPA Summit sessions. Specifically, four panels convened at the 2016 conference to discuss major themes and current NEPA issues that had arisen from the December 2014 Cohen Summit held in Washington, DC. The 2014 Summit was in honor of the late Bill Cohen, a leading NEPA legal practitioner with a distinguished career at the Department of Justice and in private practice. The focus of our 2016 Summit discussions and dialogue were as follows:

- Organize NEPA's Role in Government and Recommit Senior Leadership
- Maximize Flexibility of the CEQ Regulations
- Invest in Streamlining
- Developing a 21st Century Impact Assessment Structure

These are timely, cutting-edge topics discussed by NAEP's leading experts on NEPA, representing a cross-section of practitioners, environmental attorneys, government policy officials, academic experts, and scientists from a wide range of stakeholders. And these discussions continued at the 2017 NAEP Annual Conference in Durham, North Carolina.

The 2016 Cohen NEPA Summit summary report was submitted to CEQ and now serves as part of the Cohen Summit record for further consideration, dialogue, and action.

As NEPA practitioners we may continue to be challenged with seeing beyond the sometimes -narrow vision (one way, one alternative) of a lead agency. We may also be challenged with the inhibiting policies of a particular, governmental Administration. We understand that it is hard to evoke a vision or light beyond what the project proponent may see as limitedly possible, especially when considering their multi-faceted development program and their funding constraints. We understand too that an Administration's interest to streamline NEPA may be the very thing that complicates NEPA. Yet I believe Nick, Ray, Dinah, Horst, Ted, and every professional that has participated in the Cohen Summits, would all say there is a powerful sense of mission in NEPA's mandate; NEPA does encourage a lead agency to look beyond itself and its self-interest to consider other options for responsibly developing a project. In all the multi- and inter-disciplinary NEPA projects I manage, I do my best to push the edge of impact assessment. I couldn't do this without the experience gained and the relationships built through NAEP.

Solving the unfolding environmental challenges of the 21st century will require not only a higher level of competence but a deeper change in our thoughts and behaviors.

As the "Well-Being" image shows, we must first engage the physical, mental, emotional, family and social aspects of our being to be well prepared. We must recognize too that NAEP is a part of both our professional and social family. NAEP and NEPA are in the right home together, and we are the right community of professionals with the right amount of insight and vision to do something positive for the environment in this century.

In closing, I encourage everyone reading this article to remember that the vitality of your lives, the success of your best project work, depends on all of us discovering different ways of being. It depends on us rediscovering our relationship with the earth, to create a new sense of community linked with the earth; and in so doing, we give rise to a new professional and societal concern about our environment. And I know, for a fact, that NAEP will be at the forefront of this new burgeoning initiative.

News for the Environmental Professional, August 2017