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Effective Date: March 1999

Point of Contact: [Environmental Subject Matter Expert for NEPA](#)

Section

Overview of Content (see section for full process)

[Introduction](#)

[1. Conducting National Environmental Policy Act \(NEPA\) and Cultural Resources Evaluations](#)

- Determine if reviews are required based on given criteria.
- Send specified information to the NEPA SME.
- NEPA SME either issues a memorandum that the NEPA process has been completed (via an existing approval) or provides PI with an EENF for completion.
- Complete EENF and forward to Manager of DOE-BHSO.
- Follow appropriate procedure based on DOE-BHSO response.

[Definitions](#)

Exhibits

[Flow Diagram of the NEPA Process](#)

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[NEPA Environmental Evaluation Notification Form](#)

Training Requirements and Reporting Obligations

This subject area does not contain training requirements.

This subject area contains reporting obligations. See the section [Conducting National Environmental Policy Act \(NEPA\) and Cultural Resources Evaluations](#).

Standards of Performance

All staff shall comply with applicable Laboratory policies, standards, and procedures, unless a formal variance is obtained.

Managers shall analyze work for hazards, authorize work to proceed, and ensure that work is performed within established controls.

Managers shall ensure that work is planned to prevent pollution, minimize waste, and conserve resources, and that work is conducted in a cost-effective manner that eliminates or minimizes environmental impact.

BNL shall actively seek and consider the public's input on the Laboratory's decisions that affect the community and the general public.

Management System

This subject area belongs to the **Environmental Management System** management system.

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Effective Date: **March 1999**

Point of Contact: [Environmental Subject Matter Expert for NEPA](#)

Staff involved in projects, activities, or facility modifications that involve either federal funding, or use of federal facilities, federal lands, or capital equipment must ensure that a NEPA/Cultural Resources review is performed before initiating work.

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1. Conducting National Environmental Policy Act (NEPA) and Cultural Resources Evaluations

Effective Date: **March 1999**

Point of Contact: [Environmental Subject Matter Expert for NEPA](#)

Applicability

This information applies to Project Managers/Principal Investigators responsible for projects, activities, or facility modifications that involve either federal funding or use of federal facilities, federal lands, or capital equipment.

Required Procedure

Staff involved in projects, activities, or facility modifications that involve either federal funding, or use of federal facilities, federal lands, or capital equipment must ensure that a NEPA/Cultural Resources review is performed before initiating work.

Note: Any work performed by Brookhaven Science Associates for other national laboratories must comply with DOE NEPA requirements, even if the work does not involve the Brookhaven National Laboratory site, Department of Energy-Chicago (DOE-CH) facilities, or other federal resources. The Laboratory that is requesting funds from DOE is responsible for completion of the NEPA process.

Note: If the proposed activity does not involve federal funding, but uses DOE-owned or leased property, capital equipment, or federal lands, the activity must be reviewed by the [Environmental Subject Matter Expert for NEPA](#) or [Environmental Compliance Representative](#) to determine the level of NEPA documentation required.

Note: If the proposed activity does **not** involve federal funding or the use of federal facilities, lands, or capital equipment, NEPA does **not** apply.

Note: Certain activities may be allowed prior to NEPA approval. Contact the Environmental Subject Matter Expert for NEPA for additional information.

The following actions must be taken to initiate a NEPA/Cultural Resources review.

Step 1	<p>Project Managers/Principal Investigators involved in projects, activities, or facility modifications that involve either federal funding or use of a federal facility, federal lands, or capital equipment determine if NEPA and Cultural Resources reviews are required. NEPA/Cultural Resources reviews are required for the following types of projects:</p> <ul style="list-style-type: none"> • a project that involves a research paper investigation • a project that involves experimental work • a project where the scope, location, or probable environmental impact has changed since an earlier NEPA review • a project that involves facility or structural construction, installation, or modifications • a project that involves outdoor field work such as excavation, environmental monitoring, characterization, or research • an activity that involves a capital procurement over \$25,000. <p>Questions regarding the applicability of NEPA/Cultural Resources Review should be directed to the Environmental Subject Matter Expert for NEPA.</p>
Step 2	<p>Provide the Environmental Subject Matter Expert for NEPA with a project title, project description, total estimated project cost, and source of funding.</p>
Step 3	<p>If the action is an authorized Categorical Excluded activity, or is included in a Finding of No Significant Impact or a Record of Decision (ROD) previously issued to the Laboratory, the Environmental Subject Matter Expert for NEPA issues a memorandum that the NEPA process has been completed. Maintain this record and proceed with work if funding is available.</p>
Step 4	<p>If the action requires a decision by a DOE NEPA Compliance Officer, the Environmental Subject Matter Expert for NEPA will direct you to submit a NEPA Environmental Evaluation Notification Form. Complete sections I through III. In section V, provide an explanation for each item marked "yes" in Section III. Forward the form to the Environmental Subject Matter Expert for NEPA, who will review, sign, and return the form. Review the form for accuracy, sign it, and forward it to the Manager, Department of Energy Brookhaven Site Office (DOE-BHSO) under the subject "Request for NEPA Evaluation."</p>
Step 5	<p>If DOE's response to the "Request for NEPA Evaluation" is a written determination that the action is consistent with DOE-established Categorical Excluded actions, the NEPA process is complete. If the project has the potential to impact a known or possibly unknown cultural resource, additional instructions on compliance will be provided by the Environmental Subject Matter Expert for NEPA. Maintain this record and proceed with work if funding is available.</p>
Step 6	<p>If DOE's response to the "Request for NEPA Evaluation" is a request to prepare an Environmental Assessment, work with the Environmental Subject Matter Expert for NEPA to complete one. A cultural resource review will be included as part of this document. Review the document with the Environmental Subject Matter Expert for NEPA, and then submit the Environmental Assessment to the cognizant DOE Office. Should DOE issue a Finding of No Significant Impact, the NEPA process is complete. Maintain this record and proceed with work if funding</p>

	NEPA process is complete, maintain this record and proceed with work if funding is available.
Step 7	If DOE's response to the "Request for NEPA Evaluation" or completed Environmental Assessment is that an Environmental Impact Statement (EIS) is required, the DOE and its contracted designee works with the Project Manager/Principal Investigator to gather information on the proposed action, possible alternatives, and anticipated impacts. A cultural resources review will be included as part of the EIS. Should DOE issue a ROD, the NEPA process is complete. Maintain this record and proceed with work if funding is available. Should the ROD incorporate a Mitigation Action Plan, requirements must be incorporated into the planned work.

Guidelines

If the proposed activity is funded by a federal agency **other than DOE** and does not involve the use of DOE-owned or leased facilities, capital equipment, or federal lands, the Project Manager/Principal Investigator should notify the client that compliance with the requirements of NEPA is the responsibility of that agency.

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Flow Diagram of the NEPA Process

Effective Date: **March 1999**

Point of Contact: [Environmental Subject Matter Expert for NEPA](#)

The Flow Diagram of the NEPA Process is provided as a [PDF](#) file.

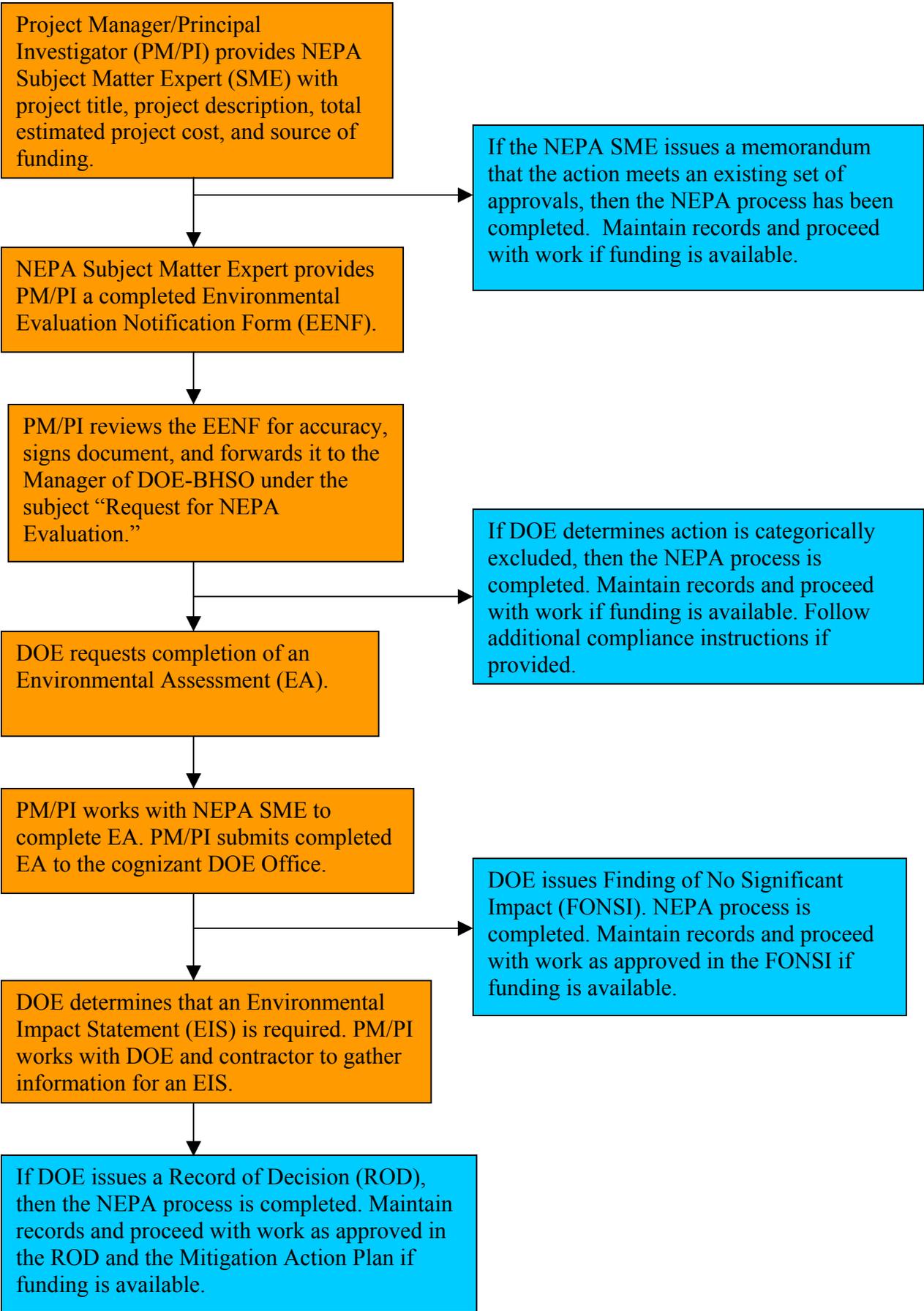
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FLOW DIAGRAM OF THE NEPA PROCESS





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NEPA Environmental Evaluation Notification Form

Effective Date: **February 2000**

Point of Contact: [Environmental Subject Matter Expert for NEPA](#)

The NEPA Environmental Evaluation Notification Form is available as a [Word](#) document.

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National Environmental Policy Act (NEPA)

ENVIRONMENTAL EVALUATION NOTIFICATION FORM

Grantee/Contractor Laboratory: Brookhaven National Laboratory

Project/Activity Title: _____

CH NEPA Tracking No.: _____ Type of Funding: _____

B&R Code: _____ Total Estimated Cost: _____

DOE Cognizant Secretarial Officer (CSO): R. Orbach, SC-1

Contractor Project Manager: _____ Signature: _____

Date: _____

Contractor NEPA Reviewer: M. Davis Signature: _____

Date: _____

I. **Description of Proposed Action:**

II. **Description of Affected Environment:**

III. **Potential Environmental Effects:** (Attach explanation for each "yes" and "no" response if additional information is available and could be significant in the decision-making process.)

A. Sensitive Resources: Will the proposed action result in changes and/or disturbances to any of the following resources?

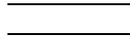
- | | Yes/No |
|---|--------|
| 1. Threatened/Endangered Species and/or Critical Habitats | _____ |
| 2. Other Protected Species (e.g., Burros, Migratory Birds) | _____ |
| 3. Wetlands | _____ |
| 4. Archaeological/Historic Resources | _____ |
| 5. Prime, Unique, or Important Farmland | _____ |
| 6. Non-Attainment Areas | _____ |
| 7. Class I Air Quality Control Region | _____ |
| 8. Special Sources of Groundwater (e.g., Sole Source Aquifer) | _____ |
| 9. Navigable Air Space | _____ |
| 10. Coastal Zones | _____ |
| 11. Areas with Special National Designation (e.g., National Forests, Parks, Trails) | _____ |
| 12. Floodplain | _____ |

B. Regulated Substances/Activities: Will the proposed action involve any of the following regulated substances or activities?

- | | Yes/No |
|---|--------|
| 13. Clearing or Excavation (indicate if greater than 5 acres) | _____ |
| 14. Dredge or Fill (under Clean Water Act section 404; indicate if greater than 10 acres) | _____ |
| 15. Noise (in excess of regulations) | _____ |
| 16. Asbestos Removal | _____ |
| 17. PCBs | _____ |
| 18. Import, Manufacture, or Processing of Toxic Substances | _____ |
| 19. Chemical Storage/Use | _____ |
| 20. Pesticide Use | _____ |
| 21. Hazardous, Toxic, or Criteria Pollutant Air Emissions | _____ |
| 22. Liquid Effluent | _____ |
| 23. Underground Injection | _____ |
| 24. Hazardous Waste | _____ |
| 25. Underground Storage Tanks | _____ |
| 26. Radioactive (AEA) Mixed Waste | _____ |
| 27. Radioactive Waste | _____ |
| 28. Radiation Exposures | _____ |

C. Other Relevant Disclosures. Will the proposed action involve the following?

- | | Yes/No |
|--|--------|
| 29. A threatened violation of ES&H regulations/permit requirements | _____ |
| 30. Siting/Construction/Major Modification of Waste Recovery, or TSD Facilities | _____ |
| 31. Disturbance of Pre-existing Contamination | _____ |
| 32. New or Modified Federal/State Permits | _____ |
| 33. Public controversy (e.g., Environmental Justice Executive Order 12898 consideration and other related public issues) | _____ |
| 34. Action/involvement of Another Federal Agency (e.g., license, funding, approval) | _____ |
| 35. Action of a State Agency in a State with NEPA-type law. (Does the State Environmental Quality Review Act Apply?) | _____ |
| 36. Public Utilities/Services | _____ |



IV. **Section D Determination:** Is the project/activity appropriate for a determination by the OM under Subpart D of the DOE NEPA Regulations for compliance with NEPA?

Indicate the recommendation and specific class of action from Appendix A-D to Subpart D (10 CFR 1021):

DOE Recommendation:

BHSO NEPA
Coordinator: _____ Signature: _____

Date: _____

LGL-GL: _____ Signature: _____

Date: _____

Group Manager Subpart D - Determination and Approval:

Acting BHSO Area Manager: _____ Signature: _____

Date: _____

Section V.: Additional Information



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Effective Date: March 1999

Point of Contact: [Environmental Subject Matter Expert for NEPA](#)

Term	Definition
action	A project, program, plan, or policy that is subject to DOE's control and responsibility. Actions which DOE is directed to conduct without discretion, such as congressionally mandated actions, are not included.
categorical exclusion (CX)	Through previous experience and documentation, DOE has identified actions that have no significant environmental impact and do not require the preparation of an Environmental Assessment or Environmental Impact Statement. These actions are Categorically Excluded from NEPA.
cultural resources	Historic or prehistoric sites, artifacts, or other items of cultural importance; standing structures that are over 50 years of age, or represent a major historical theme or era; recent structures, facilities, equipment, and apparatuses that have historical scientific significance. (Contact the Environmental Subject Matter Expert for Cultural Resources for questions on specific items or potential resources).
environmental assessment (EA)	A public document that provides sufficient evidence to support the preparation of an Environmental Impact Statement or a Finding of No Significant Impact. The EA includes brief discussions of the need for the proposal; alternatives to the proposal; environmental impacts associated with the proposal and alternatives considered; and a listing of agencies and persons consulted. DOE is responsible for this document.
environmental impact statement (EIS)	A public document which provides sufficient evidence to support the preparation of a Record of Decision. The EIS includes brief discussions of the need for the proposal; alternatives to the proposal; environmental impacts associated with the proposal and alternatives considered; and a listing of agencies and persons consulted. Document review is conducted through a prescribed process of public participation and involvement. DOE is responsible

	process of public participation and involvement. DOE is responsible for this document.
Environmental evaluation notification form (EENF)	This form includes a preliminary evaluation of the potential environmental impacts associated with a proposed action, in order to determine the appropriate level of NEPA documentation required. It is completed by the Environmental Subject Matter Expert for NEPA and the PI/PM and is reviewed and approved by the DOE-Chicago (DOE-CH) NEPA Compliance Officer.
finding of no significant impact (FONSI)	A determination by DOE that the proposal will not produce any significant impact to the environment, based on a review of the proposed action and alternatives.
mitigation action plan (MAP)	A plan that establishes measures to be conducted in conjunction with a proposed action in order to minimize impacts to the environment. The measures established by a MAP are considered enforceable requirements for project completion, and must be tracked and reported based on an established schedule.
record of decision (ROD)	A decision rendered by the Secretary of Energy based on information provided in an EIS. It includes the selection of alternatives and potential mitigating measures that have been incorporated through a MAP.

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Revision History: National Environmental Policy Act (NEPA) and Cultural Resources Evaluations

 Point of Contact: [Environmental Subject Matter Expert for NEPA](#)

Revision History of this Subject Area

Date	Description	Management System
June 2004 -- Minor 1.4	Brookhaven Site Office (BHSO) replaces Brookhaven Area Office (BAO) throughout the subject area.	Environmental Management System
March 1999	This subject area replaces ES&H Standard/SEAPPM 6.1.1.	Environmental Management System

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