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2 FESHM 8060: NATIONAL ENVIRONMENTAL  
3 POLICY ACT (NEPA) REVIEW PROGRAM  
45 **Revision History**  
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<b>Author</b>	<b>Description of Change</b>	<b>Revision Date</b>
Teri L. Dykhuis	Revised to reflect the centralization of ESH&Q, the change from Division/Section/Center to Division/Section/Project and the replacement of references to “project” with “action.”	November 2018
Teri L. Dykhuis	Incorporated the new Environmental Review Form, replacing the former Project Information Form; a new NEPA Review Process Flow Chart; and a new Environmental Evaluation Checklist and accompanying directions and definitions.	November 2013
Teri L. Dykhuis	Revised Chapter to incorporate required formatting	December 2010
Teri L. Dykhuis	Chapter 8060 Rewrite	March 2003
Teri L. Dykhuis	Initial release Chapter 8060	March 1997

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DRAFT



## 1.0 INTRODUCTION

The purpose of this chapter is to ensure that actions contemplated/proposed by Fermilab receive the appropriate environmental impact review pursuant to the National Environmental Policy Act (NEPA) as found in 40 CFR 1500-1508, the Council on Environmental Quality regulations, the United States Department of Energy (DOE) NEPA Implementing Procedures (10 CFR 1021), the DOE Office of Science NEPA Procedures, and the Fermilab Director's Policy Manual.

NEPA requires federal agencies to consider the impact of contemplated/proposed actions prior to initiating those actions. Consequently, the terms of NEPA must be met during the early proposal phase of an action (or when substantial action changes are being considered) and NOT immediately preceding an action or after an action has been taken. Varying degrees of documentation are necessary for federal agencies to demonstrate compliance with NEPA. This chapter will serve to assure that potential impacts of proposed actions to be taken by Fermilab are reviewed in a timely manner and that the appropriate documentation, if necessary, is generated.

It is the intent of Fermilab to fully comply with the letter and spirit of NEPA. To ensure that impacts of contemplated/proposed actions are considered early in the decision-making process, Fermilab shall conduct necessary NEPA reviews in the initial phase of the activity planning process.

This program (for NEPA Review Process Flow Chart see Technical Appendix A) applies to all Fermilab actions<sup>1</sup> that will potentially impact the human environment (CEQ Guidance defines human environment as "the natural and physical environment and the relationship of people with that environment) during any phase of activity (design, construction, operation, decommissioning, demolition, and disposal). The [Environmental Review Form](#) shall be used as an aid to determine the potential for impacts (it is highly recommended that consultation with an Environmental Specialist from the ESH&Q Section be sought). If any of the ERF Checklist items apply to an activity, a NEPA review should be conducted. Please note that many Fermilab activities are administrative and covered by [10 CFR Part 1021 Appendix A](#) categorical exclusions that do not require formal documentation; furthermore, the Generic Routine Maintenance Categorical Exclusion (see Technical Appendix C), which is preapproved by DOE, applies to several routine maintenance activities conducted at Fermilab (this should be documented in the Environmental Review Form); and additional other activities may be covered by previously approved DOE NEPA documents (CXs, EAs or EISs). Periodically, a formal NEPA review requiring submittal of an Environmental Evaluation Notification Form (EENF) to the Fermi Site Office may be necessary. To initiate this process, an Environmental Review Form shall be completed and assistance should be enlisted from your Division/Section/Center (D/S/C) ES&H personnel. This [ERF](#) is not exhaustive and therefore D/S/C ES&H personnel should be consulted if a potential impact applies but is not listed. The DOE Office of Science (SC) Environmental Evaluation Checklist, which is more exhaustive, is also

<sup>1</sup> Material purchases are not in themselves an action; however, these purchases may be part of an action that would potentially impact the environment. If material purchases are made in connection with routine operations or were considered as part of the initial NEPA review of an action, subsequent review is not necessary for repeat purchases of these materials (as long as they are used in the same manner and context originally described in the NEPA review). The focus of NEPA is to evaluate an action in its entirety including any necessary material purchases. Material purchases shall, whether part of an action or not, follow the requirements of FESHM 1090.



65 included as Technical Appendix B to this chapter and may be used to screen actions for potential  
66 impacts, especially when all or a portion of the action will take place somewhere other than the  
67 Fermilab site.

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## 69 **2.0 DEFINITIONS**

70 Categorical Exclusion (CX): Actions that, by their nature, do not individually or cumulatively have  
71 a significant effect on the human environment. A CX determination may be made by either a  
72 qualified NEPA Reviewer, for actions that meet the generic routine maintenance CX listed in  
73 Technical Appendix C of this chapter; or DOE after review of an Environmental Evaluation  
74 Notification Form prepared by Fermilab for actions described at 10 CFR 1021, Subpart D,  
75 Appendices A and B.

76 Action Owner: A person in the D/S/P who is responsible for all phases (design, construction,  
77 operation, decommissioning, demolition, and disposal) of an action; this person is knowledgeable  
78 about the action and will most likely originate requisitions connected with the action and/or have  
79 signature authority over the action's funding.

80 Environmental Assessment (EA): A document that assesses whether a proposed action is a "major  
81 Federal action significantly affecting the quality of the human environment," and that serves as the  
82 basis for a determination by DOE as to whether an environmental impact statement is required.

83 Environmental Review Form (ERF): A documented internal evaluation that provides information  
84 about a proposed action relevant to any potential environmental impacts.

85 Environmental Evaluation Notification Form (EENF): A comprehensive document describing  
86 proposed Fermilab actions that serves to notify DOE of potential impacts and to recommend an  
87 appropriate level of NEPA review to the DOE Fermi Site Office (FSO) decision maker. The EENF  
88 document is submitted to DOE for evaluation and approval. Actions may not proceed until a DOE  
89 determination is secured.

90 Environmental Impact Statement (EIS): A document prepared by DOE in accordance with the  
91 requirements of section 102(2)(c) of the National Environmental Policy Act and CEQ Regulations at  
92 40 CFR 1500-1508.

93 Generic CX (See Appendix C): A CX determination by DOE that covers multiple and/or repetitive  
94 actions conducted routinely at a site over a period of time, and that sets appropriate bounding  
95 criteria.

96 NEPA Reviewer: Personnel who are designated by D/S/C policy/procedures to determine the  
97 appropriate disposition of proposed actions in the NEPA context.

## 98 **3.0 SPECIAL RESPONSIBILITIES**

99

### 100 **3.1 Chief Operations Officer (COO):**

- 101 • Act as formal liaison between the laboratory and DOE regarding NEPA issues.



- Review all Environmental Evaluation Notification Forms (EENFs) prior to submission to DOE.
- Coordinate NEPA review with other administrative procedures such as funding requests and schedule considerations.
- Provide counsel to the ESH&Q Section Head during all stages of NEPA decision-making.
- Transmit EENF forms to the Fermilab Site Office (FSO).

### 3.2 Division/Section/Project Head:

- Ensure that an Action Owner is designated for each D/S/P action initiated and that the Action Owner is aware of their responsibility for NEPA compliance.
- Provide resources as necessary to support Action Owners in fulfilling their responsibilities.

### 3.3 Division/Section/Center Activity Owners:

- Ensure that impacts of their proposed activities/actions are considered early in the planning process and that necessary NEPA reviews are conducted by following the steps enumerated in this chapter. The D/S/P Activity Owner shall be responsible for ensuring that the action is screened for potential impacts; assistance may be obtained from the ESH&Q NEPA Coordinator. If the action is determined to require a formal NEPA review, the D/S/P Activity Owner shall ensure that this review is conducted.

### 3.4 Fermilab NEPA Coordinator:

- Review [ERF](#)s submitted by D/S/Ps and when necessary utilize information for transmittal of EENF to FSO to determine NEPA compliance.
- Prepare EENFs (when required) for proposed actions and submit the EENF documentation to the CSO for review (the CSO will then transmit the EENF to the DOE), utilizing information gleaned from the [ERF](#) and other input from D/S/P personnel.
- Assist Activity Owners from D/S/Ps in preparing Environmental Assessments and other necessary NEPA documents.
- Assess D/S/P implementation of NEPA procedures through periodic formal audits.
- Serve as the primary point of contact between DOE FSO and Fermilab on all NEPA matters at the Laboratory.

## 4.0 PROGRAM DESCRIPTION

Early in the activity concept and planning process, Activity Owners shall do the following (see Technical Appendix A for flow chart of these steps):

1. Evaluate proposed action, utilizing the online [ERF](#) to identify potential impacts. (If the proposed action will take place at a location other than the Fermilab site, then it is recommended that the EE Checklist, in Appendix B, be utilized to evaluate the proposed action). If any of the [ERF](#) or EE checklist items apply to the activity, it is considered a NEPA action and a NEPA review is required so the [ERF](#) shall be completed. Proceed to step 2 below. NOTE: If further NEPA review is not applicable, other ES&H review requirements still apply under FESHM Chapter 1090.
2. Once the ERF is submitted, the Fermilab NEPA Coordinator, will decide whether the proposed activity is found in the categories of activities listed in 10 CFR 1021 Appendix A;



147 meets the criteria for a Generic Routine Maintenance Categorical Exclusion (CX), as listed at  
148 the end of this chapter; or is covered by an existing NEPA approval (CX, EA, or EIS). If the  
149 action does not meet the criteria for any of the above, then proceed to step 3 below.

150 3. The D/S/C Activity Owner will select the option: “requires DOE approval,” when  
151 appropriate, which will automatically transmit the [ERF](#) electronically to the ESH&Q Section,  
152 Fermilab NEPA Coordinator. An EENF will be completed by the Fermilab NEPA  
153 Coordinator and forwarded to the Action Owner for his/her review and signature. Upon  
154 receipt of the signed EENF, it is then forwarded to DOE FSO NEPA Compliance Officer for  
155 a determination. (The activity may not proceed until the DOE determination is secured.)  
156 NOTE: If a proposed action is deemed by the DOE FSO to have the potential for  
157 “significant” impact, it may be necessary for the D/S/P Activity Owner to develop an  
158 Environmental Assessment (EA) and/or Environmental Impact Statement (EIS). The need  
159 for an EA and/or EIS is infrequent; however, if necessary, it can take from 8 -12 months,  
160 depending upon the complexity of the action. So please consult with Fermilab NEPA  
161 Coordinator early in the contemplation/proposal of any potentially large, complex, or major  
162 expenditure type action.

163  
164 See Section 6.0 for Technical Appendices.

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## 166 5.0 REFERENCES

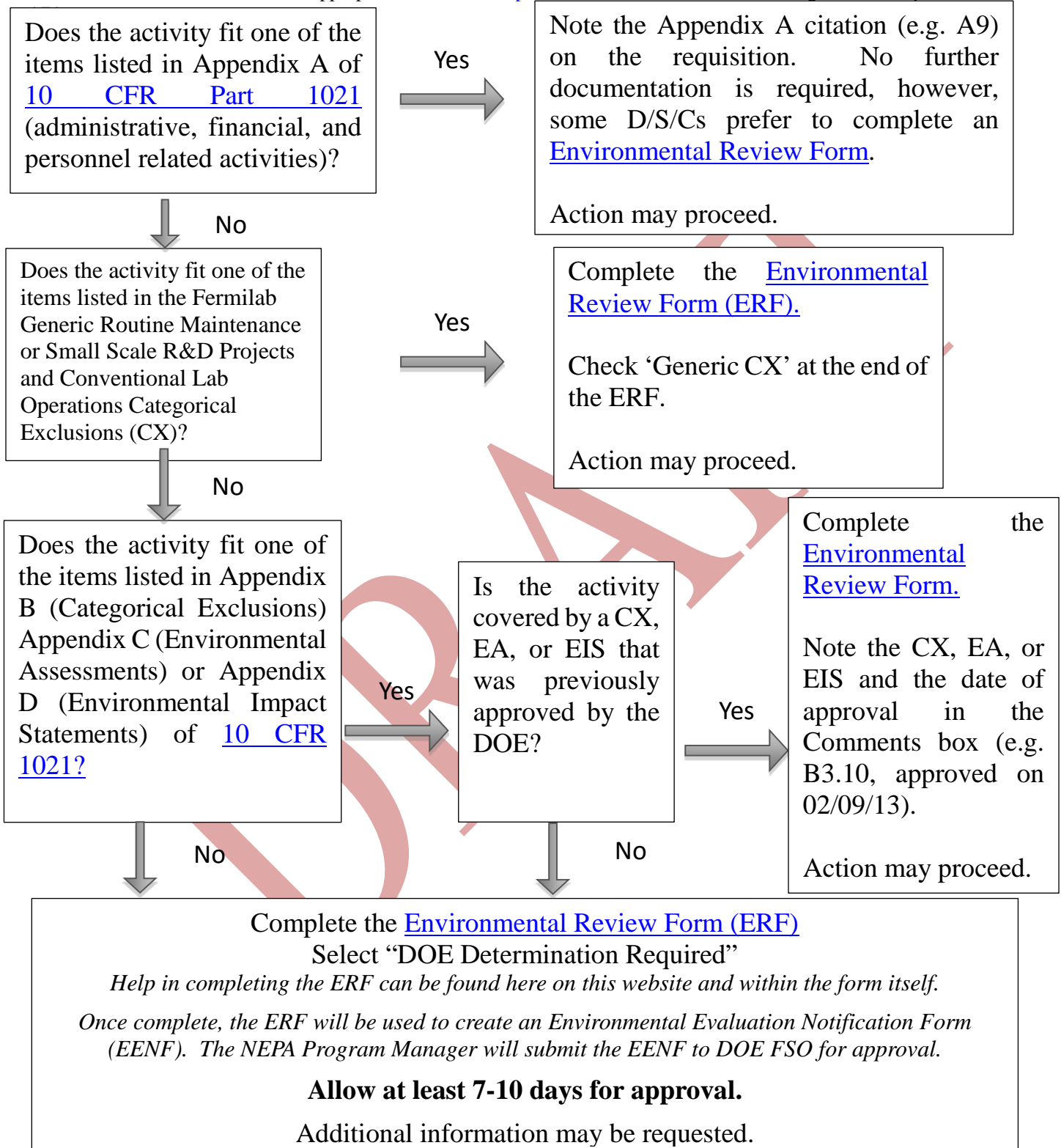
- 167
- 168 1. National Environmental Policy Act, P.L. 91-224, [42 U.S.C. 4371-4374](#).
  - 169 2. President's Council on Environmental Quality Regulations for Implementing the Procedural  
170 Provisions of the National Environmental Policy Act, [40 CFR 1500-1508](#).
  - 171 3. DOE NEPA Implementing Procedures, [10 CFR Part 1021](#)
  - 172 4. DOE Floodplain/Wetlands Regulations, [10 CFR Part 1022](#)
  - 173 5. NEPA Compliance Program: [DOE Order 451.1B](#)
  - 174 6. FESHM Chapter [1090](#) and [8012](#)
- 175



176 **6.0 TECHNICAL APPENDICES**

177 **6.1 Technical Appendix A – FERMILAB NEPA REVIEW PROCESS FLOW CHART**

178 It is recommended that the appropriate [D/S/C ES&H personnel](#) be consulted when initiating this review process.





181 **6.2 Technical Appendix B – ENVIRONMENTAL EVALUATION CHECKLIST**  
182 **(Instructions and definitions follow this checklist)**  
183

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	<input type="checkbox"/>	<input type="checkbox"/>
2.	Other Protected Species (e.g., Burros, Migratory Birds)	<input type="checkbox"/>	<input type="checkbox"/>
3.	Sensitive Environments (e.g., Tundra/Coral Reefs/Rain Forests)	<input type="checkbox"/>	<input type="checkbox"/>
4.	Archaeological/Historic Resources	<input type="checkbox"/>	<input type="checkbox"/>
5.	Important Farmland	<input type="checkbox"/>	<input type="checkbox"/>
6.	Non-Attainment Areas for Ambient Air Quality Standards	<input type="checkbox"/>	<input type="checkbox"/>
7.	Class I Air Quality Control Region	<input type="checkbox"/>	<input type="checkbox"/>
8.	Special Sources of Groundwater (e.g. Sole Source Aquifer)	<input type="checkbox"/>	<input type="checkbox"/>
9.	Navigable Air Space	<input type="checkbox"/>	<input type="checkbox"/>
10.	Coastal Zones	<input type="checkbox"/>	<input type="checkbox"/>
11.	Areas with Special National Designation (e.g. National Forests, Parks, Trails)	<input type="checkbox"/>	<input type="checkbox"/>
12.	Floodplains and Wetlands	<input type="checkbox"/>	<input type="checkbox"/>

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

		Yes	No
13.	Natural Resource Damage Assessments	<input type="checkbox"/>	<input type="checkbox"/>
14.	Exotic Organisms	<input type="checkbox"/>	<input type="checkbox"/>
15.	Noxious Weeds	<input type="checkbox"/>	<input type="checkbox"/>
16.	Clearing or Excavation (indicate if greater than one acre)	<input type="checkbox"/>	<input type="checkbox"/>
17.	Dredge or Fill (under Clean Water Act, Section 404, indicate if greater than ten acres)	<input type="checkbox"/>	<input type="checkbox"/>
18.	Noise (in excess of regulations)	<input type="checkbox"/>	<input type="checkbox"/>
19.	Asbestos Removal	<input type="checkbox"/>	<input type="checkbox"/>
20.	PCB's	<input type="checkbox"/>	<input type="checkbox"/>
21.	Import, Manufacture, or Processing of Toxic Substances	<input type="checkbox"/>	<input type="checkbox"/>
22.	Chemical Storage/Use	<input type="checkbox"/>	<input type="checkbox"/>
23.	Pesticide Use	<input type="checkbox"/>	<input type="checkbox"/>
24.	Hazardous, Toxic, or Criteria Pollutant Air Emissions	<input type="checkbox"/>	<input type="checkbox"/>
25.	Liquid Effluents	<input type="checkbox"/>	<input type="checkbox"/>
26.	Underground Injection	<input type="checkbox"/>	<input type="checkbox"/>
27.	Hazardous Waste	<input type="checkbox"/>	<input type="checkbox"/>
28.	Underground Storage Tanks	<input type="checkbox"/>	<input type="checkbox"/>
29.	Radioactive Mixed Waste	<input type="checkbox"/>	<input type="checkbox"/>
30.	Radioactive Waste	<input type="checkbox"/>	<input type="checkbox"/>
31.	Radiation Exposure	<input type="checkbox"/>	<input type="checkbox"/>
32.	Surface Water Protection	<input type="checkbox"/>	<input type="checkbox"/>
33.	Pollution Prevention Act	<input type="checkbox"/>	<input type="checkbox"/>
34.	Ozone Depleting Substances	<input type="checkbox"/>	<input type="checkbox"/>
35.	Off-Road Vehicles	<input type="checkbox"/>	<input type="checkbox"/>
36.	Biosafety Level 3-4 Laboratory	<input type="checkbox"/>	<input type="checkbox"/>

C. Other Relevant Information: Will the proposed action involve the following?

		Yes	No
37.	Potential Violation of Environment, Safety, or Health Regulations/Permits	<input type="checkbox"/>	<input type="checkbox"/>
38.	Siting/Construction/Major Modification of Waste Recovery, or Waste Treatment, Storage, or Disposal Facilities	<input type="checkbox"/>	<input type="checkbox"/>
39.	Disturbance of Pre-existing Contamination	<input type="checkbox"/>	<input type="checkbox"/>
40.	New or Modified Federal/State Permits	<input type="checkbox"/>	<input type="checkbox"/>
41.	Public Controversy	<input type="checkbox"/>	<input type="checkbox"/>





- 42. Environmental Justice
- 43. Action/Involvement of Another Federal Agency (e.g. license, funding, approval)
- 44. Action of a State Agency in a State with NEPA-type law. (Does the State Environmental Quality Review Act apply?)
- 45. Public Utilities/Services
- 46. Depletion of a Non-Renewable Resource
- 47. Extraordinary Circumstances
- 48. Connected Actions
- 49. Exclusively Bench-top Research
- 50. Only a Laboratory Setting

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### Instructions and definitions regarding the Environmental Evaluation

- A. SENSITIVE RESOURCES: Will the proposed action result in changes and/or disturbances to any of the following resources? The DOE NEPA Regulation 10 CFR 1021 (Appendix B, Condition B (4)) identifies categories of “sensitive resources” that, if adversely affected by the proposed project/action, would necessitate preparation of an environmental assessment or environmental impact statement. Some of these categories of sensitive resources also are regulated by other Federal agencies, which may require DOE to coordinate NEPA compliance or consult with them.
1. THREATENED/ENDANGERED (T/E) SPECIES AND/OR CRITICAL HABITATS. 50 CFR 402, which provides the implementing regulations for the Endangered Species Act of 1973 (ESA), provides for protection of animals, birds, fish, plants, and other living organisms that are in danger of extinction throughout all or a significant portion of their range. Critical habitats are those specific areas within the geographical area currently occupied by a species at the time it is listed in accordance with the ESA, on which are found those physical or biological features (i) essential to the conservation of the species, and (ii) that may require special management considerations or protection. The Act may also cover, specific areas outside the geographical area occupied by species at the time it is listed under a determination by the Secretary that such areas are essential for the conservation of species. Lists of T/E species and critical habitats are found in 50 CFR 17 and 226. Consultation with the U.S. Department of Interior, Fish and Wildlife Service (FWS) and the corresponding State agency should be documented. This item should be checked “Yes” if any State- or Federally-listed *or proposed* T/E species or critical habitat has the potential to be impacted by the project.
  2. OTHER PROTECTED SPECIES. Other Federal laws that protect wildlife species include: The Bald and Golden Eagle Protection Act; Wild and Free-Roaming Horses and Burros Act; and the Migratory Bird Treaty Act. This should be checked “Yes” if these species have the potential to be affected by the project/action. Any consultation should be documented.
  3. SENSITIVE ENVIRONMENTS. This item should be checked “Yes” if protected, sensitive environments including tundra, coral reefs, and rainforests are associated with the project/action. Describe the potential effect, and any project modification that could avoid or mitigate the effect.
  4. ARCHEOLOGICAL/HISTORIC RESOURCES. The National Historic Preservation Act; the Historic Site, Buildings and Antiquities Act; Archeological Resources Protection Act; implementing regulations found in 32 CFR 229; and the Archeological Recovery Act provide for the preservation of sites, buildings, structures, or objects of historic or architectural significance designated by Federal, State, or local Governments or listed or eligible for listing on the National Register of Historic Places. If the proposed project/action is on Federal land, the Archeological Resources Protection and Antiquities Acts also apply. Indicate “Yes” if the Act(s) apply. If so, explain.
- This item should also be checked “Yes” if a proposed project/action is in an undeveloped or historic area for which an archeological survey has not yet been performed.** Federal consultation with the State Historic Preservation Officer (SHPO) will be necessary if it is the type of activity (e.g.,



229 earth moving, demolition) which has potential for impact. Document the status of any preliminary  
230 consultations and if no potential for impact, explain.

- 231  
232 5. **IMPORTANT FARMLAND.** The Farmland Protection Policy Act requires Federal agencies to  
233 consider ways to avoid converting or adversely affecting farmland that is not already in or  
234 committed to urban development or water storage.

235  
236 *Definitions*

- 237  
238 • Prime Farmland: Land that has the best combination of physical and chemical characteristics  
239 for producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimum  
240 inputs of fuel, fertilizer, pesticides, and labor, and without intolerable soil erosion. (7 U.S.C.  
241 4201(c)(1)(A))
- 242  
243 • Unique Farmland: Land other than prime farmland that is used to produce specific high-value  
244 food and fiber crops...such as, citrus, tree nuts, olives, cranberries, fruits, and vegetables. (7  
245 U.S.C. 4201(c)(1)(B))
- 246  
247 • Additional Farmland of Statewide or Local Importance: Land identified by State or local  
248 agencies for agricultural use, but not of National significance. (7 U.S.C. 4201(c)(1)(C))

249  
250 The U.S. Department of Agriculture, Natural Resources Conservation Service field office serving the  
251 area can provide assistance in determining whether a proposed project/action could affect protected  
252 farmland. Agriculture Department Form 1006, the Farmland Conversion Impact Rating Form,  
253 available at Natural Resources Conservation Service offices, should be used for this purpose. If the  
254 proposed project/action could have an effect on protected farmland, indicate "Yes". An evaluation of  
255 the effect using the criteria provided at 7 CFR 658.5 will need to be performed.

- 256  
257 6. **NON-ATTAINMENT AREAS FOR AMBIENT AIR QUALITY STANDARDS.** Non-attainment  
258 areas are geographic areas that do not meet one or more of the National ambient air quality standards  
259 (NAAQS). Non-attainment areas are designated by the Environmental Protection Agency (EPA) at  
260 40 CFR 81.300. NAAQS have been established for six criteria pollutants (sulfur dioxide, particulate  
261 matter less than the 10 microns (PM10), carbon monoxide, ozone, nitrogen dioxide, or lead).  
262 Indicate "Yes" if the proposed project/action would result in the emission of a criteria pollutant in an  
263 area that has been classified non-attainment for any criteria pollutant. The air-permitting branch of  
264 the State or Federal regulatory agency can assist in providing this information. Also see related  
265 items 25 and 40.

- 266  
267 7. **CLASS I AIR QUALITY CONTROL REGION (AQCR).** Class I AQCRs are special attainment-  
268 status geographic regions designated for allowance of only minor air quality deterioration. These are  
269 commonly National parks or wilderness areas greater than 5000 acres in size (see 40 CFR 81.400-  
270 437). If the proposed project/action would qualify as a major source (or major modification) of  
271 criteria pollutant emissions, check "Yes" if there are any Class I air quality areas within 10 km. See  
272 related item 11.

- 273  
274 8. **SPECIAL SOURCES OF GROUNDWATER.** EPA designates Critical Aquifer Protection Areas  
275 and Sole or Principal Source Aquifers, and States designate Wellhead Protection Areas in  
276 accordance with Section 1427, 1424(e), and 1428 of the Safe Drinking Water Act, respectively (also  
277 see 40 CFR 149). Such areas are accorded special protection to assure the quality and availability of  
278 public water supplies. Indicate "Yes" if the location of the proposed project/action has been  
279 designated for protection (e.g., is included in an area-wide groundwater quality protection plan) or  
280 would constitute a potential source of contamination within an existing or expected wellhead  
281 protection area serving a public water supply.

- 282  
283 9. **NAVIGABLE AIR SPACE.** The U.S. Department of Transportation, Federal Aviation  
284 Administration (FAA), regulates objects that invade navigable air space or otherwise constitute an



- 285 obstruction to air navigation, and determines whether such activities constitute a navigation hazard.  
286 Indicate “Yes” if the proposed project/action would involve construction or alteration of a structure  
287 more than 200 feet above ground level, any construction/alteration located in an instrument approach  
288 area, or other construction or alteration identified in 14 CFR 77.13(a). Document notification of the  
289 Manager, Air Traffic Division of the FAA Regional Office having jurisdiction over the area within  
290 which the construction or alteration will be located. Copies of FAA Form 7460-1, Notice of  
291 Proposed Construction or Alternation, may be obtained from the Regional FAA Office.  
292
- 293 10. COASTAL ZONES. The term “coastal zone” means the coastal waters and adjacent shore of the  
294 Great Lakes, and the Atlantic, Pacific, and Arctic Oceans, the Gulf of Mexico, and Long Island  
295 Sound. The term “coastal state” includes the states bordering on those bodies, plus Puerto Rico, the  
296 Virgin Islands, Guam, the Commonwealth of Northern Mariana Islands, and the Trust Territories of  
297 the Pacific Islands and American Samoa. Coastal States have authority over actions which directly  
298 affect coastal zones in accordance with the Department of Commerce, National Oceanic and  
299 Atmospheric Administration (NOAA) regulations promulgated under the Coastal Zone Management  
300 (CZM) Act. Federal activities and Federal development projects must be consistent with State CZM  
301 programs to the maximum extent possible. Federal activities are those performed by *or on behalf of*  
302 a Federal agency in the exercise of its statutory responsibilities, but do not include the issuance of a  
303 Federal license or permit or the granting of Federal assistance. Indicate “Yes” if the proposed  
304 project/action would constitute a Federal activity directly affecting the coastal zone of a State with  
305 an approved CZM plan. If so, document whether a “consistency” or “negative” determination has  
306 been made/obtained. For proposed project/actions outside of, but in the vicinity of, coastal zones, or  
307 components of the National Estuarine Sanctuary Program or the Coastal Barrier Resource System,  
308 contact the authorized State CZM agency to determine whether they have a concern. In such  
309 instances, a “No” response should be provided only after consultation with NOAA that results in a  
310 determination of “no direct affect”. The Federal consistency rules are codified at 15 CFR 930.  
311
- 312 11. AREAS WITH SPECIAL NATIONAL DESIGNATION. Various Federal laws restrict the ability  
313 of Federal agencies to aid developments affecting the following areas that have attained National  
314 designation: wilderness areas, memorial parks, parks, monuments, primitive areas, preserves,  
315 recreational areas, wild and scenic rivers, grasslands, wildlife refuge, forests, lakeshores or  
316 seashores, and trails. Consider potential stationary or mobile source emissions, increased local  
317 development, the potential for a significant increased visitation, etc.  
318
- 319 12. FLOODPLAINS AND WETLANDS.
- 320 Check “Yes” if floodplains or wetlands could be impacted by the project/action. If floodplains or  
321 wetlands will not be affected, maintain maps in project files demonstrating such.  
322
- 323 “*Floodplain*” means lowlands adjoining inland and coastal waters with a one-percent or greater chance  
324 of inundation in any given year. The base floodplain is defined as the 100-year (1.0 percent)  
325 floodplain. The critical action floodplain is defined as the 500-year (0.2 percent) floodplain (10 CFR  
326 1022.4). Appropriate documentation for determining whether a proposed project/action lies within  
327 the 100-year floodplain (or 500-year floodplain for certain “flood critical” actions) include: Flood  
328 Insurance Rate Maps or Flood Hazard Boundary Maps prepared by the Federal Insurance  
329 Administration of the Department of Housing and Urban Development. Executive Order 12148,  
330 Floodplain Management, requires Federal agencies to avoid incompatible development in floodplains,  
331 and consider the conformance of the proposed project/action to floodplain standards, potential effect  
332 of floodplain modification on other local properties and improvements. If the proposed project/action  
333 would be undertaken in a floodplain, a Floodplain Assessment would need to be prepared in  
334 accordance with 10 CFR 1022.  
335
- 336 “*Wetlands*” means those areas that are inundated by surface or groundwater with a frequency sufficient  
337 to support (and under normal circumstances does or would support) a prevalence of vegetative or  
338 aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction.  
339 Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet  
340 meadows, river overflow, mudflats, and natural ponds year (10 CFR 1022.4). Federal agencies must  
341



342 consider the effects of proposed project/actions on wetlands and to avoid, to the extent possible,  
343 destruction and modification of wetlands. If the proposed project/action is to be undertaken in, or  
344 could affect, a wetland, it will be necessary for DOE to prepare a Wetlands Assessment in accordance  
345 with its regulation. Additional consultation with the Army Corps of Engineers will also be required.  
346

- 347 B. REGULATED SUBSTANCES/ACTIVITIES: Will the proposed action involve any of the following  
348 regulated items or activities? The following substances and activities have the potential for environmental  
349 impacts. To enable DOE to determine whether the proposed project/action falls within a categorical  
350 exclusion (DOE NEPA Rule, 10 CFR Part 1021, Appendix B), or whether an environmental assessment or  
351 environmental impact statement must be prepared and considered as part of the selection decision, “Yes”  
352 entries should be quantified to the extent possible. For purposes of the EENF, rough estimates are  
353 acceptable. Conclusions and/or subjective statements of the magnitude of the impact (such as “minimal”,  
354 “insignificant”, “negligible”) should be avoided. Documentation of preliminary consultation with State or  
355 Federal regulatory agencies is recommended.  
356
- 357 13. NATURAL RESOURCE DAMAGE ASSESSMENTS. The goal of Natural Resource Damage  
358 Assessments is to restore natural resources injured as the result of oil spills or hazardous substance  
359 releases into the environment. In partnership with other affected State, Tribal, and Federal trustee  
360 agencies, damage assessments provide the basis for determining the restoration needs that address  
361 the public’s loss and use of these resources. The program assesses the damages and injuries to  
362 natural resources and negotiates legal settlements or takes other legal actions against the responsible  
363 parties for the spill or release. See [Executive Order 12580](#); the Department of Interior Regulations,  
364 43 CFR 11; and National Oceanographic and Atmospheric Administration Regulations, 15 CFR 990,  
365 for more details. Indicate if a Natural Resources Damage Assessment has been conducted or is  
366 planned in relationship to the proposed project/action.  
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- 368 14. EXOTIC ORGANISMS. Exotic Organisms, Executive Order (EO) 11987, prohibits the introduction  
369 of non-native species into a natural ecosystem. Identify any exotic organisms that would be used in  
370 the Project.  
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- 372 15. NOXIOUS WEEDS. Federal Noxious Weed Act, 7 CFR 360 prohibits the movement of listed  
373 plants. Indicate “Yes” if the proposed project/action would move any noxious weeds. If so, identify  
374 it/them.  
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- 376 16. CLEARING OR EXCAVATION. Indicate “Yes” if the proposed project/action would include the  
377 uncovering of greater than one acre of soil, sediments, or land subsurface, by digging, grading, or  
378 blasting (see related items 4 and 32). If so, estimate the area to be affected and soils volume, and  
379 describe planned disposition of soils. Describe the potential for runoff/erosion, any control  
380 techniques to be employed, and the distance to nearby surface water bodies, including wetlands.  
381
- 382 17. DREDGE OR FILL. Dredging is the excavation of material from waters of the United States.  
383 Filling is the discharge of material into waters of the United States to change the bottom elevation.  
384 Waters of the United States are all interstate waters, and intrastate lakes, rivers, streams, mud flats,  
385 adjacent wetlands, sloughs, or natural ponds. Indicate “Yes” if the proposed project/action would  
386 include these activities. If so, provide characterization and estimate of quantities of dredged or fill  
387 material; description of construction method and mitigation. The 40 CFR 230 provides guidelines  
388 for disposal sites of dredge or fill material. The Regulatory Program for dredge and fill is  
389 administered by the U.S. Department of the Army Corps of Engineers (COE) which implements the  
390 regulation found at 33 CFR 320, 323, and 325. Include documentation of appropriate  
391 consultation(s), e.g., with the COE under Section 404 of the Clean Water Act or Sections 9 and 10 of  
392 the Rivers and Harbors Act; with EPA (40 CFR 220-233); or with FWS under the Fish and Wildlife  
393 Coordination Act (for watercourse modification, control, or for impoundment of 10 acres or more).  
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- 395 18. NOISE. Indicate “Yes” if the proposed project/action would:  
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- 397 • Cause an increase in noise over ambient levels,
  - 398 • Generate noise in excess of the applicable State noise limitations, if any, or



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- Expose humans to existing noise over applicable State noise limitations.
- If so, estimate noise levels for construction and/or operation (in decibels) and background levels in relationship to standards (e.g., 29 CFR 1910.95).
19. ASBESTOS REMOVAL. The EPA, in accordance with the Toxic Substances Control Act (TSCA), regulates asbestos abatement projects. It also regulates asbestos emissions as a hazardous air pollutant under the Clean Air Act. If the proposed project/action includes demolition or renovation of an existing building, verify whether asbestos is present. If present, indicate how the project will comply with asbestos removal certification and other requirements in 40 CFR 763 (Subpart G) and 40 CFR 61 (Subpart M).
20. POLYCHLORINATED BIPHENYLS (PCBs). Manufacture, processing, transport, use, marking, storage, and disposal of PCBs is regulated by the EPA (40 CFR Part 761) in accordance with the TSCA. Some States also regulate PCBs as hazardous waste. If the proposed project/action would involve replacement or removal of capacitors, transformers, voltage regulators, circuit breakers, switches, cables, electromagnets, or other electrical equipment, the presence or absence of PCBs should be ascertained and indicated on the EENF. If present, estimate concentration and quantity of PCB oil involved, and describe the intended method/location of disposal.
21. IMPORT, MANUFACTURE, OR PROCESSING OF TOXIC SUBSTANCES. Indicate “Yes” if the proposed project/action would involve the business of importation, manufacture, or processing of toxic substances listed at 40 CFR Parts 700-799 (Subparts B and D of Part 704). The use of such chemicals is addressed by item 22.
22. CHEMICAL STORAGE/USE. Indicate “Yes” if the proposed project/action would involve either Laboratory or other storage/use of chemicals in the workplace (see lists at 39 CFR 1910.1000 and 40 CFR 69 and 355). If so, describe the storage/use detailing type, volume, purpose, and key hazards/risks.
23. PESTICIDE USE. A pesticide is a substance intended for preventing, destroying, repelling, or mitigating any pest (e.g., insect, rodent, nematode, fungus, or weed, including any substance intended for use as a plant regulator, defoliant, or desiccant). While the Federal Insecticide, Fungicide, and Rodenticide Act imposes no requirements on private applicators, commercial pesticide applicators must be certified by the State or the U.S. EPA and meet the requirements of 40 CFR 171. The selection of pesticide and use must not affect any threatened/endangered species and critical habitats (50 CFR 402) or threaten human health. Indicate “Yes” if the services of a commercial pesticide applicator would be an element of the proposed project/action. If so, document extent of use and measures to be undertaken to assure safe storage, use, and disposal.
24. HAZARDOUS, TOXIC, OR CRITERIA POLLUTANT AIR EMISSIONS. Indicate “Yes” if the proposed project/action would result in the emission of a criteria pollutant per the Clean Air Act; sulfur dioxide, PM10, carbon monoxide, ozone, nitrogen dioxide, or lead (see 40 CFR 70 or 71, Title V, Operating Program). If so, detail the character and quantities of air pollutant emissions, applicable emission standards, and describe any abatement measures to be employed. Indicate if the proposed project/action would include prevention of significant deterioration program, 40 CFR 51.166.
25. LIQUID EFFLUENTS. Indicate “Yes” if proposed project/action would involve a discharge to publicly-owned treatment works, sewage treatment plant, soils, retention ponds, or surface waters. If so, detail the character and quantity of pollutants including toxic pollutants (40 CFR 129.4), thermal discharges, and National Pollution Discharge Elimination System permitting requirements (40 CFR 122). Also indicate “Yes” if the proposed project/action would qualify as a storm water “discharge associated with industrial activity.” These non-point source discharges include construction activities exceeding five acres in area, and runoff from coal piles and other raw materials (salt, sand).



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26. UNDERGROUND INJECTION. Well injection is the subsurface emplacement of fluids through a bored, drilled, or driven well, or through a dug well where the depth of the dug well is greater than the largest surface dimension. See 40 CFR 146. Indicate “Yes” if the proposed project/action would involve construction or use an injection well and if so, indicate the type and amounts of injected fluids.
27. HAZARDOUS WASTE. Indicate “Yes” if the proposed project/action would involve generation and/or management (see 40 CFR 261, determination; 40 CFR 262, generation; 40 CFR 263, transportation; and 40 CFR 264, treatment storage, and disposal) of hazardous wastes. If so, provide a cursory characterization of hazardous waste generation and management activities. If waste transport is anticipated, indicate whether a permitted transporter will be used, number of loads, and approximate distance to be traveled.
28. UNDERGROUND STORAGE TANKS (USTs). “UST” refers to any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. This term does not include any:
- Farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes,
  - Heating oil for consumptive use on the premises where stored,
  - Septic tank, or
  - Pipeline facility.
- Indicate “Yes” if tanks are involved in the project/action AND 10 percent or more of tank volume (including the volume of underground pipes) is or would be beneath the surface of the ground. If “yes”, describe tanks’ use, contents, size, leak detection/monitoring methods, and whether leaks or contamination exist because of it. Applicable requirements for USTs can be found in 40 CFR 280.
29. RADIOACTIVE MIXED WASTE. Per DOE Order 435.1, “Radioactive Mixed Waste is waste that contains both source, special nuclear, or by-product material subject to the Atomic Energy Act (AEA) of 1954, as amended, and a hazardous component subject to the Resource Conservation and Recovery Act (RCRA), as amended.” A mixture with a radioactive material that is not source, special nuclear, or byproduct material per the AEA does not meet this definition and is just hazardous waste regulated by EPA and the States. (Radioactive material licensed by the Nuclear Regulatory Commission would qualify as AEA-regulated.) Indicate “Yes” if such a waste will be generated or managed. If so, document the character, volume, and management plans.
30. RADIOACTIVE WASTE. Any garbage, refuse, sludge, and other discarded material, including solid, liquid, semisolid, or contained gaseous material that must be managed for its radioactive content. See DOE Order 435.1 for details. Indicate “Yes” if such a waste will be generated or managed. If so, document the character, volume, and management plans.
31. RADIATION EXPOSURE. If the proposed project/action would involve use of radioactive substances, indicate “Yes” and identify type of substance(s) to be used and level of exposure estimated. DOE Order 5400.5 provides radiation exposure limitations to the environment and the public from all sources. 10 CFR 835 provides radiation exposure limitations for DOE workers.
32. SURFACE WATER PROTECTION. 40 CFR 112 provides that surface water be protected from release of oil and oil derived products by implementation of spill prevention countermeasure and control plan. Indicate “Yes” if project/action is a non-transportation-related onshore or offshore facility engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil and oil products, which due to its location, could reasonably be expected to discharge oil in quantities that may be harmful into or upon the navigable waters of the United States or adjoining shorelines, or into or upon the waters of the contiguous zone.



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33. POLLUTION PREVENTION ACT. The Pollution Prevention Act of 1990; EO 12856, Federal Compliance with Right-to-Know and Pollution Prevention; EO 12873, Affirmative Procurement; and EO 12902, Energy Efficiency and Water Conservation should be referenced for incorporation of pollution prevention principles to minimize environmental impacts, conserve resources, and promote the use of recycled products. Indicate “Yes” if there are **significant** opportunities to reduce or prevent pollution at the source through cost-effective changes in production, operation, and raw materials use. Such changes can offer substantial savings in reduced raw material, pollution control, and liability costs as well as help protect the environment and reduce risks to worker health and safety. If so, indicate where opportunities lie.
34. OZONE DEPLETING SUBSTANCES. EO 12843 and 40 CFR 82 prohibit and phase-out the use of ozone depleting substances. Indicate “Yes” if ozone depleting substances would be used in the project. If so, describe type and scope.
35. OFF-ROAD VEHICLES. Indicate “Yes” if the proposed project/action would involve the use of off-road vehicles. If so, explain. EO 11989 prohibits the use of off-road vehicles on public land without special use permits and in designated locations.
36. BIOSAFETY LEVEL 3-4 LABORATORY. Indicate “Yes” if the proposed project/action would involve Biosafety Laboratory (BSL) Level 3-4 laboratory construction and/or operation. See CFR 42 Parts 72 (transportation) and 493 (general laboratory) requirements.
- C. OTHER RELEVANT INFORMATION: Will the proposed action involve the following? The following information also is necessary to enable DOE to determine the appropriate level of NEPA documentation or to otherwise satisfy NEPA procedural requirements.
37. POTENTIAL VIOLATION OF ENVIRONMENT, SAFETY, OR HEALTH REGULATIONS/PERMITS. Indicate “Yes” if project/action would threaten a violation of statutory, regulatory, or permit requirements (or where applicable, DOE Order requirements). “Yes” entries in Part B, above, should be evaluated for their potential for violations. Likewise, any other potential for violation should be considered
38. SITING/CONSTRUCTION/MAJOR MODIFICATION OF WASTE RECOVERY, OR WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES. Indicate “Yes” if the project/action would require siting and construction or major expansion of waste treatment, storage, disposal, or recovery facilities (including incinerators and facilities for treating surface water, groundwater, and wastewater). If so, describe operations including waste types and volumes.
39. DISTURBANCE OF PRE-EXISTING CONTAMINATION. Indicate “Yes” if the project/action would disturb hazardous substances, pollutants, contaminants, or Comprehensive Environmental Response, Compensation, and Liability Act-excluded petroleum and natural gas products that pre-exist in the environment. If so, describe type of pre-existing contamination and volume of soils which would require transport to a Resource Conservation and Recovery Act-permitted treatment, storage or disposal facility.
40. NEW OR MODIFIED FEDERAL/STATE PERMITS. Federal, State, and local, agencies may require new permits, or modification of existing permits for activities identified above (e.g., items 6, 14, 21, 22, 23, 24, 25, 26, 27, and 28). Indicate “Yes” if new or modified permits would be required.
41. PUBLIC CONTROVERSY. Controversy of a technical nature (e.g., professional disagreement over the type and magnitude of environmental impacts) is relevant to a determination of reasonable alternatives to the proposed project/action. Indicate “Yes” if there is a known potential for any public controversy. If so, describe what the issue is, the level of interest, and the outreach activities (e.g., public, meetings, literature) which are planned or may have occurred with Government officials, public interest groups, and other interested parties.



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42. ENVIRONMENTAL JUSTICE. This item should be marked “Yes” if the proposed project/action would occur in a geographic area disproportionately inhabited by minority and/or low-income populations. If so, DOE will later determine whether the other EO 12898 criterion, i.e., “adverse human health or environmental effects”, applies signifying the presence of an environmental justice concern.
43. ACTION/INVOLVEMENT OF ANOTHER FEDERAL AGENCY. NEPA regulations require cooperation among the lead agency and other Federal agencies with jurisdiction by law or special expertise. Coordinating the NEPA processes of involved Federal agencies can save time and eliminate redundant effort. Indicate “Yes” if multiple Federal agencies are involved in the project/action. If so, describe that involvement.
44. ACTION OF A STATE AGENCY IN A STATE WITH NEPA-TYPE LAW. The States (including some other Government types, e.g., territories) listed below have passed environmental policy legislation similar to NEPA, that requires State Government agencies to prepare analysis of environmental effects of their proposed project/actions (California, Connecticut, District of Columbia, Georgia, Guam, Hawaii, Indiana, Maryland, Massachusetts, Minnesota, Montana, Nevada/California - Tahoe, New Jersey, New York, North Carolina, Puerto Rico, South Carolina, Virginia, Washington, Wisconsin). For links to regulations, see: <http://ceq.eh.doe.gov/nepa/regs/states/states.cfm>. The States of California, Hawaii, New York, and Washington also apply the impact statement requirements very broadly to private land development subject to regulation by local Governments through the land use control process. Indicate “Yes” if the State where the project/action is located has a NEPA-type law. If so, describe why/how State law applies.
45. PUBLIC UTILITIES/SERVICES. The availability of utility (water, sewer, electric, gas, communications) capacity and the potential environmental affect associated with making connections are NEPA concerns. If the project/action would adversely affect utility capacity or if connections would disturb the environment per the previous questions on this Form, indicate “Yes”. If so, describe the impact.
46. DEPLETION OF A NON-RENEWABLE RESOURCE. Some naturally occurring substances (e.g., metals, minerals, and fossil fuels) are in limited supply and cannot be replaced or regenerated. The exhaustion or threatened exhaustion of that resource could, therefore, have significant ramifications. Moreover, NEPA Section 102(2) (E) requires consideration of alternatives in Environmental Assessments as well as Environmental Impact Statements when the proposed project/action involves “unresolved conflicts concerning alternative uses of available resources.” Indicate “Yes” if the proposed project/action would accelerate exhaustion of a resource which is in limited supply. If so, describe how.
47. EXTRAORDINARY CIRCUMSTANCES. Indicate “Yes” if extraordinary circumstances related to the project/action could exacerbate impacts from the previous items described on this Form. Also indicate “Yes” if potential for human health or environmental impact exists from items not identified on this Form. If so, identify and describe.
48. CONNECTED ACTIONS. Connected Actions are those projects/actions that automatically trigger other actions, cannot proceed unless other actions are taken previously or simultaneously, or are interdependent parts of a larger action and depend on the larger action for justification. Indicate “Yes” if the project/action is “connected” to other such actions. If so, describe them.
49. EXCLUSIVELY BENCH-TOP RESEARCH. Indicate “Yes” if the project/action can be described as conventional laboratory operations or bench-scale research; small-scale research and development projects; and small-scale pilot projects (generally less than two years) conducted to verify a concept before demonstration actions.
50. ONLY A LABORATORY SETTING. Indicate “Yes” if the research will be conducted within an existing laboratory that has already obtained the required waste discharge, air quality, and other





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permits. This implies that the facility has on-going research and the new work will be similar to work currently being done at the facility.

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