Recommendations for Integrating the U.S. Coast Guard AC&I Planning and NEPA Process Early to Increase Efficiencies and Cost Savings

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Abstract

Incorporating the National Environmental Policy Act (NEPA) process into the US Coast Guard's (USCG) major construction program is generally perceived by facility planners and engineers as "checking the box", a waste of resources, or a useless document. NEPA statutes clearly outline the requirement that federal agencies must address environmental impacts when making decisions on a major federal action that significantly affects the quality of the environment. Early incorporation of NEPA into the planning process reduces costs and avoids potential delays due to unforeseen environmental impacts. This action should be integrated into the USCG planning processes, but unfortunately facility planners and engineers perceive it as a document of little value that often slows the planning process. Observations of project teams and interviews with facility planners has lead me to believe NEPA analysis is not utilized in the decision making process but, completed parallel to the planning process and attached to the required planning document.

This paper focuses on the USCG Shore Acquisition and Improvements (AC&I) planning process and the early integration of NEPA. The objective of this paper is to provide recommendations, which could be implemented to facilitate the integration of the planning process with early NEPA analysis. This process facilitates a better project by making well informed decisions, which ensures a better project by avoiding time delays and cost over runs.

Introduction

In a country of shrinking budgets, increase demand for new facilities, and public mistrust of government spending, there is no reason why federal agencies should not embrace the NEPA process. Agencies should not only view NEPA as a law, but as tool to assist decision makers in selecting the best alternatives. NEPA was enacted over 40 years ago and established our national policy for attaining harmony between people and the environment. In addition, it promotes efforts to eliminate damage to the environment and for a better understanding of ecological systems and natural resources. NEPA requires federal agencies to consider environmental impacts of their proposed actions before proceeding. Compliance with NEPA in developing planning proposals is not a new concept, but one many facility planners and engineers do not us to their advantage. It appears from discussions with project engineers there is not a full understanding of NEPA requirements or the benefits that can be gained by integrating NEPA at the earliest possible time. In reviewing past project files, the USCG consistently completes NEPA analysis on AC&I Projects, but these documents are seldom used in the decision making process. The observations and recommendations in this paper are based on informal interviews with facility planners, review of various agencies' NEPA Implementing Instructions, project planning guides and personal experience with US Army military construction projects. The views and recommendations contained in this paper are of the author and do not necessarily reflect those of the USCG.

Discussion

In order to integrate NEPA early into the planning process a business initiative must be developed that demonstrates the benefits and advantages that can occur by completing NEPA early. The benefits have been discussed in CEQ guidance and regulations, by NEPA practitioners, various agencies implementing instructions as well as Congressional Testimony.

The most current CEQ guidance issued in March 2012, "The Process for Preparing Efficient and Timely Environmental Review" (CEQ, 2012) states the following: Agencies must integrate the NEPA process into their planning at the earliest possible time to ensure that planning and decisions reflect environmental values, avoid delays later in the process, and anticipate and attempt to resolve potential issues. NEPA should not become an after-the-fact process that justifies decisions that have already been made.

Unfortunately, the advantages of early NEPA have not been fully incorporated into the USCG culture. To begin a change, the benefits must be clearly articulated to personnel who are involved. The following are key benefits in integrating NEPA early.

- Protection of the environment
- Avoid delays in project
- Cost Savings
- Avoid costly litigation
- Make well-informed decisions
- Demonstrate good stewardship of the environment

In developing this paper, a common theme emerged as to why early NEPA integration is not fully utilized in USCG planning process as follows:

- Lack of clear USCG guidance
- Facility engineers and planners are not experienced with the NEPA process
- Leadership Focus on NEPA

The USCG NEPA and planning process are similar in the steps required, but follow parallel tracks, see Figure 1. The following sections provide an overview of the planning and NEPA process along with discussion on improvements to integrate the processes. In order to understand the difficulties to begin NEPA early, one must understand the existing USCG planning and NEPA processes.

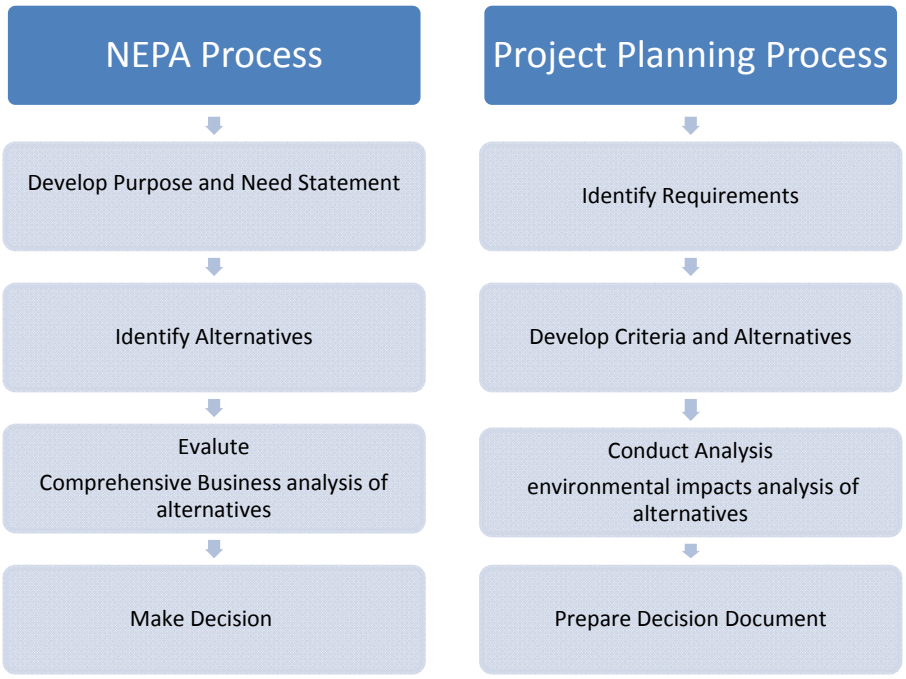

Figure 1: Comparison of a USCG Planning Process and NEPA Analysis

NEPA Process

NEPA was signed into law January 1, 1970 and was declared a national policy, which encourages "productive and enjoyable harmony between man and his environment" (CEQ, 1986). NEPA requires for every "major federal action", analyses of current conditions and alternatives with mitigation measures at least listed and considered that will reduce negative impacts or enhance positive effects. The NEPA process assists this effort by directing various levels of environmental analyses.

NEPA contains three important elements: 1) Declaration of national environmental policies and goals; 2) Establishment of action-forcing provisions for federal agencies to implement the policies and goals; and 3) Establishment of a Council on Environmental Quality (CEQ) in the Executive Office of the President.

The CEQ developed regulations that implement the procedural provisions of NEPA. These can be found in 40 CFR 1500-1508. Key provisions for planning procedures are contained in the CEQ guidance and include: 1) integration of NEPA into agency planning which

requires environmental factors be considered in the decision-making process at the same time as other factors and 2) development of agency implementing instructions which outline its planning and decision making process. (CEQ, 1987)

NEPA implementing guidance issued by CEQ (1997), require federal agencies should develop their own NEPA implementing regulations. The USCG developed implementing guidance, COMMANDANT INSTRUCTION M16475(series), *National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, 2000.* These formal procedures for compliance is intended provide sufficient guidance to agency personnel regarding their NEPA requirements. This document is not intended for the environmental staff alone, but rather for all members of the USCG.

These implementing instructions pertaining to carrying out the mandates of CEQ regarding early NEPA planning and the integration of NEPA into the planning process are boilerplate and provide little assistance to members with a limited NEPA background. The instruction only provides generic guidance, "consideration of environmental consequences of a given project or action should begin early in the project planning process." (USCG, 2000) To carry out this vague guidance, the facility engineer must have an understanding and be experienced in preparing, reviewing and approving NEPA documents in order to make an informed recommendation. The lack of clarity in the NEPA instructions regarding the incorporation of NEPA is insufficient. Lack of clear guidance is one of the major roadblocks in integrating NEPA analysis and project planning.

Planning Process

The USCG planning process for major AC&I projects follows the other services major military construction (MILCON) programs. The AC&I program consist of construction projects greater than $1500K. The majority of projects are construction of new buildings, port facilities and base infrastructure. Major AC&I projects compete for funding as individual projects on the Coast Guard's yearly budget request to Department of Homeland Security (DHS) and Congress and receive the most scrutiny. The typical AC&I project requires three years to plan, two years

to obtain funding and complete the design, plus another 1-2 years to construct. Through this process, preparation, review, and approval of various planning documents: the Planning Statement (PS), Planning Proposal (PP), and Project Proposal Report (PPR) are prepared. The USCG Instruction for this process can be found in *Facilities Project Development Manual (SFPDM), COMDTINST M11010.14, Feb 23, 1995.COMDINST.*

The first document in the planning process is the Planning Stage (PS). During the PS the project needs are identified and developed. Discussions with facility engineers and program managers stated they rarely consider environmental impacts or issues at this stage. There is a reluctance to commit time and resources for environmental documentation before there is assurance that the projects will be funded. Facility engineers and planners expressed they are reluctant seek out assistance from the environmental office during the PS early because it is believed environmental personnel have a tendency to hinder projects. In some cases, the preferred alternative has already been decided therefore the NEPA document has little affect on the decision or the planning process.

According to the Shore Facilities Manual the Planning Proposal (PP) is the point in which NEPA must be completed so the Senior Leaders can make their decision on the preferred alternative. The PP starting in FY13 must be documented on the construction requirements document, PP1391. The PP1391 form is the document outlining the project descriptions, preferred alternative, analysis, cost estimate that the decision maker uses for project approval. The PP1391 form does contain a section identifying NEPA has been completed. There is no requirement or guidance for the facility engineer or manager to incorporate the NEPA analysis into the decision making process. The only NEPA information in the manual is “a fully developed NEPA document must be included with the PP” and refers the facility engineer to USCG NEPA Implementing Instructions. (USCG, 2005)

The issue of unclear guidance lies within both the Shore Facility Manual and NEPA Instruction. Facility engineers have voiced that the NEPA Instruction is ambiguous and outdated. In reviewing other agencies implementing instruction: FFA, US Army, DOT and

NASA, clear guidance is provided on implementing the CEQ requirements regarding early planning and incorporation of NEPA.

To solve this dilemma, I recommend 1) updating the NEPA Implementing Instructions to clearly outline CEQ requirements on early planning. CEQ in its guidance does not specify when early planning begins or when NEPA and the planning process should be integrated, this was left to individual agencies. To ensure early planning is conducted, the implementing instructions must provide details on when and how integration of the processes should normally occur 2) update the current Shore Facility Manual to include specific guidance and instructions on early NEPA documentation and 3) develop a process guide or handbook which provides the benefits of early planning, an overview of the NEPA process and a step-by-step process manual for integrating the NEPA process and planning process.

The facility engineer or planner is left to their own interpretation of both instruction manuals and interpreting NEPA, CEQ regulations and DHS regulations referenced within the document. Here in lies another major difficulty of incorporating NEPA analysis and project planning because facility engineers and planners don't have a full understanding of the NEPA requirements.

Engineers and Planners

One of the most common issues for facility engineers and planners is not starting the NEPA process early or concurrently. There is a common believe among engineers and planners that anything associated with "environmental" causes project delays, increases project costs and requires unnecessary document. In my experience on Army Installations, NEPA and the MILCON Program were overseen by two different offices. It was the norm for NEPA documentation to be developed at the award stage thus not providing valuable environmental information to the decision maker. In many cases, two distinct documents were developed, NEPA and constructions plans. NEPA practitioners did not share site information regarding environmental issues until the projects were in the design or construction phase, thus increasing project cost by developing duplicate documents. Between 2005 to 2007 at least 5 major projects

were stopped due to unforeseen environmental issues, which if the NEPA and planning were concurrent, valuable time delays and increase in funding cost could have been avoided. It is clear some facility planners and engineers do not see the benefits the NEPA process provides a project. Early integration of NEPA with the planning process is proven valuable time and can make a better project.

The USCG AC&I FY13 budget was cut by over 20% with predictions even more cuts could occur in the future. Facility engineers and planners will be required to evaluate future projects with extraordinary scrutiny in order to meet mission requirements. In order to meet these future requirements, the facility engineer or manager should be required to develop an understanding of NEPA, the benefits it can provide and understand NEPA is a law not "a nice to do" requirement. Recommendations include: 1) attend training, 2) seek assistance from the Environmental Division early in a project, and 3) if possible during the PS develop a multi-disciplinary team to assist in evaluation of environmental requirements and potential environmental impacts.

Leadership Focus on NEPA

Changes in an established long-term program within federal agencies are difficult and take time. The requirement to integrate NEPA analysis with the planning process ultimately lies with Senior Leaders or decision makers who have the ability to require change. Senior leaders should understand NEPA is a requirement of project planning throughout the USCG and know the basics. Senior leaders should be provided the advantages of changing or actually clarifying the USCG NEPA regulations to mirror CEQ's. I have concluded over the years, fully implementing NEPA as outlined in the CEQ guidance is seen to some as a "nice to do law", not always a requirement. This belief appears to be caused by NEPA not having "teeth" like other environmental laws.

Buy in by Senior Leaders is sometimes critical when introducing a different "way of doing business". The Senior Leader's first step is to implement a strategic communication that includes the principles referenced in this document. Project Engineers and planners tend to

avoid change and often fight the effort which requires top-down-management. To facilitate changes in the organization Senior Leader's can: 1) socialize the strategic communication, 2) include in supervisor performance objectives, 3) provide resources for oversight, 4) develop a clear mission statement outlining their support of the NEPA process including early integration of NEPA, 5) support the first two recommendations outlined in this report and 6) ensure personnel who prepare, review and/or approve NEPA documents have an understanding of their NEPA responsibility.

Conclusion

In reviewing many NEPA instructions, manuals, and handbooks these are not exclusive to the USCG but are prevalent in other federal agencies as well. Conducting NEPA analysis early in project development is not only required by CEQ regulations, but can potentially lead to project delays and/or expensive litigation. NEPA was enacted over 40 years ago and the basic provisions of the law have not changed. It should be the culture of the USCG to strive to be the best stewards of the environment. Adoption of the three recommendations outlined in this paper: 1) clear guidance, 2) knowledgeable staff, and 3) senior leaders support will produce efficiencies and cost savings in the USCG AC&I Program.

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