

WATER, ENERGY & ENVIRONMENT

- **DISCLAIMERS:**
- 1 – The views expressed here in are the personal views of the speaker. They do not represent official policy or anyone else.
- 2- The comments here in are not intended as legal advice, nor are they intended to create any lawyer-client



WATER, ENERGY & ENVIRONMENT

by John Breiling

Moving Forward - A Suggested
NEPA EIS SCOPING PLAN
To Start the Ball Rolling

WATER, ENERGY, & ENVIRONMENT

- Biggest Present Need:
- Collaborative, Coordinated,
- Cooperative Leadership
- By States & Federal Agencies & Others
- To meet Public Needs with
- Integrated, Consistent, Comprehensive
- Regional & State Plans & Local Plans

WATER, ENERGY & ENVIRONMENT

- The format used to present these recommendations is
- the NEPA Scoping format
- because federal law requires federal agencies
- to follow NEPA planning processes.

WATER, ENERGY & ENVIRONMENT

- NEPA regs are at
- 40 CFR Parts 1501 & 1502.

WATER, ENERGY & ENVIRONMENT

- PARTIES:
- Key Federal Agencies &
- States (& Western Governors' Assn.) &
- Others

WATER, ENERGY & ENVIRONMENT

- LINKED BY
- Regional Executive Committee &
- State Executive Committees &
- Working committees under executive committees

WATER, ENERGY & ENVIRONMENT

- Key Federal Agencies:
- Land managers: Forest Service, BLM, USFWS, BIA, BOR, Corps
- Water managers: EPA, Corps, Coast Guard, BOR, NRCS
- Fish managers: USFWS, NMFS, Corps, Forest Service

WATER, ENERGY & ENVIRONMENT

- Energy managers: BPA, FERC, WPA, DOE Labs, BOR, Corps
- Supporting Cast: USGS, NRCS, APHIS, NWS, others
- Ground Transportation agencies: USDOT, USCG, Corps

WATER, ENERGY & ENVIRONMENT

- Federal Water Coordination:
- 5-agency Aug. 22, 2008 Memo for
- EPA, DOC, DOA, DOI, DA:
- to form senior interagency work group for water changes of
- EPA, NOAA, NRCS, the Forest Service, BOR, USGS, and the Corps

WATER, ENERGY & ENVIRONMENT

- Same sort of Federal collaboration is needed on energy.
- States are essential parties with Feds on both water and energy.

WATER, ENERGY & ENVIRONMENT

- Legal mandate:
- 40 CFR 1501.2 – requires federal agencies
- “utilize a systematic, interdisciplinary approach
- which will insure the integrated use of the natural and social sciences and
- the environmental design arts

WATER, ENERGY & ENVIRONMENT

- in planning and in decision making
- which may have an impact on man's environment,"
- as specified by §1507.2."

WATER, ENERGY & ENVIRONMENT

- The federal agencies are linked by 40 CFR 1501.5(a)(2) because they are
- “involved in a group of actions directly related to each other because of
- their functional interdependence or geographical proximity.”

WATER, ENERGY & ENVIRONMENT

- States and federal agencies are linked in Western US
- because Feds own/control 50 to 80% of lands & waters in states &
- because of Desert Lands Act [Reclamation, Western water rights law]
- -- unique to Western states

WATER, ENERGY & ENVIRONMENT

- Tiering (40 CFR 1502.8)
- Don't duplicate existing processes & actions
- (don't reinvent wheel) &
- Fill in gaps in present processes & actions &
- Provide missing overall coordination

WATER, ENERGY & ENVIRONMENT

- Phasing (40 CFR 1502.5 timing, 1502.9 Supplemental EIS)
- Phase 1 – present energy & water changes involving
- relatively environmentally friendly wind, solar, geothermal, & hydropower
- (less controversial – easier to carry out)
–

WATER, ENERGY & ENVIRONMENT

- key need: integrate existing developments into comprehensive regional & state plans
- for example: integrate transmission line plans with
- new hydro, geothermal, wind & solar power generation

WATER, ENERGY & ENVIRONMENT

- Phase 2 – present energy changes involving
- carbon dioxide emitting hydro-carbon fuels &
- nuclear power -
- all are environmentally controversial &
- many are essential to our needs

WATER, ENERGY & ENVIRONMENT

- Phase 3 - Future water & energy resources
- needing basic research & development
- - exotic technologies & future needs

WATER, ENERGY & ENVIRONMENT

- Alternatives:
- heart of NEPA process.
- always start with NO ACTION alternative

WATER, ENERGY & ENVIRONMENT

- Phase 1 Alternatives:
- ALTERNATIVE 1A – ONGOING AND FUTURE WATER CONSERVATION & RECYCLING EFFORT

WATER, ENERGY & ENVIRONMENT

- ALTERNATIVE 1B – BASIC NON-CONTROVERSIAL WIND, SOLAR, AND GEO-THERMAL
- IMPROVEMENTS AND EXISTING RESEARCH & DEVELOPMENT (R&D)

WATER, ENERGY & ENVIRONMENT

- ALTERNATIVE 1C – A COMPOSITE OF ALTERNATIVES A AND B
- ALTERNATIVE 1D – ADD IN NEW HYDROPOWER & DAMS

WATER, ENERGY & ENVIRONMENT

- Phase 2 Alternatives:
- NO FURTHER ACTION:

WATER, ENERGY & ENVIRONMENT

- ALTERNATIVE 2A – ADD IN NEW BIO FUELS WITH MINIMAL ENVIRONMENTAL IMPACTS - SELECT CHOICES
- ALTERNATIVE 2B – ADD IN NEW LIQUID FOSSIL FUEL SOURCES - SELECT CHOICES

WATER, ENERGY & ENVIRONMENT

- ALTERNATIVE 2C – ADD IN NEW, DIRTY, COAL FOSSIL FUEL SOURCES – SELECT CHOICES
- ALTERNATIVE 2D – ADD MORE FISSION NUCLEAR ENERGY SOURCES – SELECT CHOICES

WATER, ENERGY & ENVIRONMENT

- Phase 3 Alternatives: To be determined at a later time

WATER , ENERGY & ENVIRONMENT

- Environmental Consequences:
- Phase 1 = CLEAN TECHNOLOGIES
- Phase 2 = CARBON DIOXIDE & NUCLEAR TECHNOLOGIES
- Phase 3 - UNKNOWN FUTURE TECHNOLOGIES

WATER, ENERGY & ENVIRONMENT

- CLOSING COMMENTS:
- HUNDREDS OF IMPROVEMENTS ARE HAPPENING
- BUT THERE IS NO OVERALL PLAN FOR COORDINATION & INTEGRATION
- TO NOT DECIDE IS TO DECIDE;
- TO NOT PLAN IS TO PLAN CHAOS