

NEPA Compliance Through Alternative Arrangements Questions and Answers

Question: What is the goal of compliance through alternative arrangements?

Answer: To accelerate the award of contracts for hurricane and storm damage reduction projects, to reduce the risk of loss of life and property should another storm event occur and, to ultimately aid in the economic recovery of the greater New Orleans area. The process retains the spirit and intent of the NEPA requirements by providing extensive public input, interagency coordination and consideration of alternatives, impact assessments and identification of any necessary mitigation.

Question: Will NEPA requirements be circumvented under this arrangement?

Answer: No. NEPA compliance through alternative arrangements will not result in a lesser quality or level of environmental detail than currently required by NEPA regulations.

Question: To which projects would these alternative NEPA arrangements apply?

Answer: An alternative NEPA compliance process will be applied to select 4th Supplemental projects in order to initiate construction of projects focused on the 100-year level of protection in a timely manner.

Question: Why isn't work under the 3rd Supplemental covered under alternative NEPA arrangements?

Answer: Most 3rd Supplemental projects return the hurricane and storm damage reduction system to its originally authorized level of protection, for which NEPA compliance was achieved through a variety of Environmental Impact Statements and Environmental Assessments that were written when the projects were originally authorized and funded.

Question: Why will the Mississippi River Gulf Outlet (MRGO) Deep Draft Deauthorization Study, authorized by the 3rd Supplemental Appropriations, follow normal Corps NEPA processes rather than these alternative arrangements?

Answer: NEPA compliance through alternative arrangements is only authorized for emergency *actions* to protect life and property. The outcome of the MRGO deauthorization plan will not be a construction action, but rather a list of recommendations that will then be sent to Congress for further authorization and funding to construct. As part of the current process, a NEPA document will be prepared for the preferred plan in the report sent to Congress. If this plan is authorized and funded by Congress and the Administration, an expedited construction schedule can be implemented.

The 4th Supplemental Appropriations also authorized \$75 million to protect, restore or increase wetlands, to prevent saltwater intrusion or storm surge, and the Corps is currently conducting NEPA investigations of these proposed actions in the MRGO area. The use of alternative arrangements for this work would not significantly accelerate NEPA compliance for this work; thus the use of the arrangements is not warranted.

Question: How will the environmental assessment work be organized?

Answer: The environmental assessments for the Hurricane and Storm Damage Reduction System will be organized into Individual Environmental Reports (IERs) for groups of projects based on similarity of environmental issues, construction features and independent utility within a given hydrologic unit or sub-basin. Where possible, a single IER will cover all projects within a particular sub-basin. In some cases, however, projects within a single sub-basin have drastically different utility, impacts or design schedules. If such projects were combined into a single sub-basin IER, critical emergency actions would be unduly delayed, running counter to the intent behind complying with NEPA through alternative arrangements. It is important to note, though, that although separate IERs will be prepared in such sub-basins, the cumulative impacts analysis within these IERs will be conducted in order to provide a comprehensive incorporation of all project impacts within the sub-basin.

Question: What processes and information would the Individual Environmental Reports entail?

Answer: The Individual Environmental Report will describe a range of alternatives for fulfilling the purpose and need of the project, a thorough analysis of direct, indirect and cumulative impacts for these alternatives based on best-available information, and a mitigation plan for unavoidable impacts.

Question: What does “sub-basin” mean in the context of these alternative arrangements?

Answer: In this context, a sub-basin is the geographic area protected by a specific component of the Hurricane and Storm Damage Reduction System; in general, sub-basins are hydrologically independent units.

Question: What are the timelines for each Individual Environmental Report (IER)?

Answer: Each IER will have a different timeline that will depend largely on the complexity of the project design and the environmental issues involved in the alternatives. The timeframes are anticipated to range from three to 14 months.

Question: Is USACE working with other Federal Agencies?

Answer: The Corps has coordinated the alternative arrangements with the U.S. Fish and Wildlife Service, the Environmental Protection Agency, the National Marine Fisheries Service, and other federal, state and local stakeholders. Throughout the IER process, USACE will continue to coordinate with these agencies and will form interagency environmental teams to participate in project planning.

Question: If an IER only looks at some of the projects, how will the Corps ensure a systematic approach to impacts analysis?

Answer: First, each IER will thoroughly address the cumulative impacts of a given area in the context of its relationship to all the other projects currently authorized in the greater New Orleans area and the work reasonably foreseeable in the future. Second, USACE will develop a Comprehensive Environmental Document which comprehensively addresses all the projects in the system and integrates all of the IERs' findings.

Question: Do the alternative arrangements cover any projects involving Category 5 hurricane protection?

Answer: The Corps is requesting that NEPA compliance through alternative arrangements be applied to select 4th Supplemental projects that provide 100-year level of protection. Projects to provide Category 5 levels are not being considered for alternative NEPA arrangements because Congress has only authorized the studying of the practicality of constructing to Category 5 level of protection, but such projects may be included as a reasonably foreseeable future project in the cumulative impacts analysis of the IERs.

Question: Will this set a precedent for the USACE NEPA process for other projects?

Answer: No. The CEQ makes determinations relative to alternative arrangements on a case-by-case basis if it is determined that a risk to life, health, property or severe economical loss is imminent.

Question: What happens if USACE is not allowed to use an alternative process for NEPA compliance?

Answer: Normal NEPA procedures would be used and several large-scale EISs would be written for the projects. Such EISs could take anywhere from 14 months to several years to complete, significantly delaying construction of 100-year hurricane protection.

Question: How will USACE ensure public involvement in this process?

Answer: Monthly public meetings will be the cornerstone of the public involvement process, offering the public extensive access to the Corps' planning process. The initiation of each IER will be published in both the Federal Register and local newspaper, describing the features to be

analyzed and inviting public scoping comments. Each Draft IER will be posted on the Corps Web site for a 30-day public review period. A notice of availability will be mailed/e-mailed out to interested parties advising them of the availability of the IER for review. The public will also have the opportunity to request a public hearing after the Draft IER is published before any final construction decisions are made.

Question: Does this proposal jeopardize adequate mitigation of environmental impacts associated with construction of the HSDRS?

Answer: No. Mitigation plans will be developed and implemented early in the process in cooperation with federal, state and local agencies and public stakeholders if it is determined that there are unavoidable impacts to the environment. Ultimately, the Comprehensive Environmental Document would tie all the mitigation requirements into a comprehensive report on unavoidable impacts of work and mitigation for planned development and implementation for further impacts caused by the work.