



Environmental Impact Statement (EIS) Pre-Notice of Intent (NOI) Best Practices

U.S. Department of the Interior

This document captures guidance found in Attachment 4 of the Deputy Secretary's memorandum on Additional Direction for Implementing Secretary's Order 3355 and submissions from the bureaus outlining their pre-NOI best practices.

A Notice of Intent must *briefly*:

- Describe the proposed action and possible alternatives
- Describe the agency's proposed scoping process
- Provide a point of contact (POC)

Before a bureau issues a NOI to prepare an EIS, they should consider the following best practices:

- 1) Determine that an EIS is required. Utilize NEPA screening forms, if applicable.
 - a. Verify that there is no categorical exclusion that applies to the project
 - b. If impacts to the environment are not expected to be significant, prepare an environmental assessment (EA) instead.
 - c. Use a previous NEPA document if the environmental effects of the proposed action have already been adequately analyzed.
- 2) Identify an achievable goal, a clearly defined proposed action, and a purpose and need statement that can achieve that goal.
 - a. When the action involves a third party proponent, the proposed project must be sufficiently defined to provide the facilitating or authorizing agency with the information it needs to prepare a clearly defined proposed action, purpose and need, and reasonable alternatives.
 - b. Demonstrate that the project is technically and/or financially feasible.
 - c. If applicable, hold pre-application meetings with the proponent, verify that the application complete, and review the proponent's Plan of Development.
 - d. If applicable, determine whether the proposed action requires a land use plan amendment.
 - e. Identify law and policy associated with the proposal, as well as connected and similar actions.

- f. The solicitor assigned to the project should be involved in developing the purpose and need.
- 3) Identify and collect relevant known background information and data such as GIS layers, historical data, existing analysis, and other environmental documents and studies.
 - a. Collect documentation of coordination with regulatory authorities, state, and applicant.
 - b. Gather chronology and package of previous, related actions, if applicable.
 - c. If possible, begin writing the Affected Environment Chapter.
- 4) Identify what data is missing/needed or other skills needed for analysis. Establish methodology for technical studies.
- 5) Anticipate issues or concerns.
- 6) Identify possible alternative ways to achieve the goal.
 - a. Determine whether it is possible to meaningfully evaluate the effects of the proposed action and reasonable alternatives.
 - b. Begin administrative drafts of the analysis for all known issues and alternatives.
 - c. Document the consideration of and rationale for dismissing any issues and alternatives found not to warrant analysis in detail.
 - d. Provide an opportunity for public feedback on preliminary alternatives and issues identified from coordination with federal, state, and local governments and Indian tribes.
- 7) Ensure sufficient resources are available to begin and complete NEPA in keeping with the time requirements of FAST-41, E.O. 13807 or S.O. 3355 (as applicable).
 - a. Commit and make available the staffing or contracting resources needed to begin NEPA.
 - b. Verify that the project sponsor is ready to begin NEPA and has committed sufficient and appropriate staff, POCs, consulting services, and financial resources to complete NEPA. If a contractor is used, complete a signed disclosure statement to avoid conflict of interest.
 - c. Establish sufficient Agency and sponsor leadership attention to help prioritize tasks and assist in issue resolution.
- 8) Assemble the project implementation core team
 - a. The project core team may consist of a project manager, deputy project manager, contracting officer's representative, Solicitors, public involvement specialist and others. Formally assign team members and identify the priority of the proposed action within existing staff workloads. Ensure the team can commit to meeting project deadlines. Establish a process for resolving workload conflicts between priority assignments.
 - b. Identify a streamlining champion to keep the focus on streamlining. This can either be a separate person or a person listed above. Either way, their role should be made clear.
 - c. Establish clear responsibilities.
 - d. Establish clear and constant communication with all team members, with regular check-in meetings, if appropriate.

- 9) Identify POCs for project proponent and Federal, state, and tribal agencies that will need to be involved. Identify contacts that the project sponsor is currently working with on the proposed action, when applicable. Identify clear POCs within the bureau.
 - a. MOU/MOAs executed with cooperating agencies to set roles, responsibilities, expectations and limitations of cooperating agency status.
 - b. Consultation with federally-recognized tribes should begin at the start of the process. Document agreements and deadlines with each tribe in MOUs.
 - c. Obtain concurrence from regulatory agencies on scope of consultation.
- 10) Coordinate Work Plan/EIS development plan including – approved schedule, critical action dates, timelines for consultations, and communications strategy. Set clear time and page limit expectations. Set specific page targets for each chapter. Arrange for concurrent reviews whenever possible.
- 11) Plan for time and resources needed for contracting, if appropriate.
 - a. Develop clear statements of work that include deadlines, assigned tasks, responsibilities, products and other requirements.
 - b. Select contractors. Ensure contractor access clearances and profiles are fully operational prior to publication of NOI.
- 12) Develop a public involvement plan, communications strategy and public scoping materials
 - a. Identify stakeholders and interested parties and their views and interests.
 - b. Identify public relations staff or contractors.
 - c. Secure appropriate resources, tools and information for public involvement and outreach needs.
 - d. Determine place, date(s), time(s) for public scoping meetings with/without third-party contractor assistance. Develop materials, presentations, and secure locations.
 - e. Include website development and a process for managing the review, tracking and incorporation of scoping comments from the public.
 - f. Consider pre-NOI civic engagement and develop a civic engagement strategy specific to pre-NOI project planning.
- 13) Establish decision file management instructions. Identify and communicate the expectations, roles, responsibilities, organization, format and procedures for creating the decision file.
- 14) Review bureau NOI checklist, if applicable.
- 15) Prepare draft NOI to send draft NOI to HQ for review and for FR publication. Understand and plan for all bureau and departmental EIS review and briefing requirements.