PERSPECTIVE

A Systematic Tool for Determining the Need for Specialized Expertise in NEPA

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Environmental impact statements (EISs) and environmental assessments (EAs) are optimally authored by interdisciplinary teams comprised of specialists assigned to each environmental resource that is potentially subject to significant impacts. A typical team might include a biologist for addressing wildlife and threatened and endangered species, an economist for addressing employment and social services, a hydrologist or geo-hydrologist for addressing water resources, an archaeologist or historian for addressing cultural resources, and an urban planner for addressing land use and transportation. From its inception, the National Environmental Policy Act (NEPA) has directed agencies to use a "systematic, interdisciplinary approach" to ensure the "integrated use of the natural and social sciences and the environmental design arts" [42 USC 4322(2)]. The Council on Environmental Quality (CEQ) has stated that the disciplines of EIS preparers should "be appropriate to the scope and issues identified in the scoping process" (40 CFR 1502.6).

Staffing a team assigned to prepare an EIS or EA is critical to ensuring success. Failure to equip the team with the requisite specialized expertise can lead to inaccurate analyses and unsupported conclusions. Engaging too many experts, however, can lead to inefficiencies, excessive analyses, encyclopedic text, and unnecessary cost. Experienced NEPA practitioners know that effective NEPA documentation does not require that the text for every environmental issue be authored by a narrowly defined specialist. Simple analyses can often be performed by generalists or specialists in other environmental disciplines. For example, the impacts to archaeological or biological resources caused by a proposal to renovate an existing building or construct a new building on the site of an existing parking lot can sometimes be effectively assessed without a need for narrowly trained archaeologists or biologists. Some simple EAs can be effectively written by a single author, usually an expert in the issue of greatest relevance to the proposed action. Some other EAs and even some relatively simple EISs can be written by small teams of experts with specialists only in the most relevant issues. Less critical issues can be addressed by team members possessing less specialized expertise.

The CEQ and other environmental authorities have provided little specific guidance on the depth of expertise needed to effectively assess environmental impacts. The CEQ states that an EIS should list the names and qualifications of each person primarily responsible for preparing the EIS plus key supporting analyses and background papers (40 CFR 1502.17), but provides no guidance concerning the qualifications of those persons. The *Code of Ethics and Standards of Practice for Environmental Professionals* developed by the National Association of Environmental Professionals (NAEP) states that environmental professionals will conduct analyses, planning, design, and review activities primarily in subject areas for which they are qualified, and shall encourage and recognize the participation of other professionals in other subject areas.[1] The American Society for Testing and Materials (ASTM) defines an "environmental professional" as someone "possessing sufficient training and experience necessary to conduct a site reconnaissance, interviews, and other activities" and having "the ability to develop opinions and conclusions regarding recognized environmental conditions in connection with the property in question."[2] The ASTM definition, however, was developed only for the purpose of establishing qualifications for preparers of Phase I environmental site assessments, not NEPA documents.

Members of the NEPA Tools and Techniques Practice Committee within the NAEP have recognized the need for a tool for determining when specialized expertise is needed in preparing NEPA documents. The Committee, which is part of the NAEP's NEPA Working Group, strives to identify and promote tools and techniques that assist federal decision makers and NEPA practitioners in reaching decisions, streamlining the NEPA compliance process, and promoting efficient, effective, and integrated environmental planning.[3] Presented below is a draft tool that strives to provide a systematic, unbiased, and easy to apply procedure for determining when preparers of an EIS or EA must seek specialized expertise to effectively address an environmental resource issue.

The tool consists of responding "yes" or "no" to a series of five questions. The response to each question either indicates that specialized experience is not necessary, or directs the user to proceed to the next question. The user exits the tool whenever a response indicates that specialized experience is not necessary. Only if the user reaches Question 5 and responds "no" does the tool indicate that specialized expertise is necessary.

Question 1: *Would the action **clearly** qualify for a categorical exclusion if its impacts were limited only to the subject environmental resource issue?*

Yes—Specialized expertise unnecessary (Exit tool)
No—Proceed to Question 2

Question 2: *Would the action **clearly** qualify for a finding of no significant impact (FONSI) if its impacts were limited only to the subject environmental resource issue?*

Yes—Specialized expertise unnecessary (Exit tool)
No—Proceed to Question 3

Question 3: *Could the subject environmental resource issue potentially drive the selection among alternatives?*

Yes—Proceed to Question 5
No—Proceed to Question 4

Question 4: *Is the subject environmental resource issue controversial or considered a potentially significant impact in public scoping comments?*

Yes—Proceed to Question 5

No—Specialized expertise unnecessary (Exit tool)

Question 5: *Can the potential for impacts related to the subject environmental resource issue be readily interpreted by a generalist using existing information prepared by experts?*

Yes—Specialized expertise unnecessary (Exit tool)

No—Specialized expertise is necessary (Exit tool)

Questions 1 and 2 require the user to conceptualize the potential for adverse impacts related to one environmental resource issue while purposefully ignoring other categories of environmental impacts. The developers of the tool recognize that such an approach to impact assessment is inherently artificial and may be impossible because of the close interrelationships that can exist between differing types of environmental impacts. If such an approach is impossible, the user should respond "no" to both questions and proceed to Question 3. Otherwise, the response should be used only for the purpose of assessing the need for specialized expertise and should not influence analyses or data presented in the EA or EIS.

Question 5 is included because many federal installations have employed specialists to develop installation-wide baseline data to help expedite environmental compliance activities, including NEPA. The data often consist of geographic information system (GIS) layers depicting the results of large-scale wetland delineations, archaeological surveys, historic building surveys, soil surveys, forest stand inventories, and surveys for protected species and habitats. Impacts from proposed construction projects, even if potentially significant, can sometimes be effectively assessed using simple analyses such as overlaying a proposed limit of disturbance over the baseline data. Such an analysis does not normally have to be performed by persons possessing the specialized qualifications needed to originally generate the baseline data. The analyst should, however, possess enough elementary knowledge of the subject resource to recognize circumstances where more detailed impact assessment by an expert is warranted.

The tool is intended to indicate only whether specialized expertise could be needed. It is not intended to suggest source(s) for the expertise. Sources could include specialists employed within the lead agency or a contractor writing the document, cooperating agencies or other government agencies possessing the expertise, consultants or subcontractors, universities, nonprofit organizations, or even public volunteers. Additionally, the tool is only intended to provide general guidance; it cannot substitute for sound professional judgment, especially in unusual or extraordinary circumstances. The tool should be utilized only by seasoned NEPA practitioners who are experienced in staffing EAs and EISs and who understand the limitations of the tool.

The Tools and Techniques Practice Committee welcomes your comments. Please submit comments in writing to the address below.

Notes

1. The *Code of Ethics and Standards of Practice for Environmental Professionals* may be found in the back of each issue of *Environmental Practice*, the journal of the National Association of Environmental Professionals (published by Oxford University Press).

2. American Society for Testing and Materials, 2000, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, ASTM Standard E 1527–00.

3. National Association of Environmental Professionals (NAEP), 2003, NAEP Web site: NEPA Working Group, NEPA Tools and Techniques Practice Committee, http://www.naep.org/NEPAWG/tnt.

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https://doi.org/10.1017/S1466046603031272 Published online by Cambridge University Press