



# **14843 - NEPA Compliance Challenges for Joint Acquisition Programs: One Perspective**

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# Purpose

- ▶ Provide a perspective on issues Joint programs can encounter in trying to meet National Environmental Policy Act (NEPA) compliance requirements
- ▶ Review the Air Force experience as a Participating Service in the Mine Resistant Ambush Protected (MRAP) Joint Program

# NEPA Compliance Requirements for Acquisition Programs

- ▶ General NEPA Requirements
  - NEPA originally targeted Federal actions that involved land use or that threatened ecological or wildlife well-being
  - Evolved to apply to any project, federal, state or local, that involves federal funding, work performed by the federal government, or permits issued by a federal agency
- ▶ DoD acquisition program NEPA Requirements
  - Actions associated with system acquisition that may require formal NEPA documentation
    - Development Testing
    - Fielding (Use)
    - Operational Testing
    - Disposal
  - In addition, Program Offices may prepare Programmatic NEPA documents that cover the entire system life cycle

## Program Documents Required by DoDI 5000.02 that Support NEPA

- ▶ The Programmatic Environment, Safety, and Occupational Health Evaluation (PESHE)
  - ESOH risk data
  - HAZMAT data
  - Environmental impacts not addressed in the ESOH risk or HAZMAT data
- ▶ The NEPA Compliance Schedule
  - Events or proposed actions throughout the life of the system that may require NEPA analysis
  - Dates of the proposed events or actions
  - Identification of the proponent
  - Anticipated type of NEPA document (type of analysis)
  - Start/end date for final NEPA document
  - Approval authority of the NEPA document

# NEPA Compliance Approaches for DoD Acquisition Programs

- ▶ DoD does not provide a common approach for NEPA Compliance and each Service implements NEPA in accordance with its own policy
- ▶ Army and Navy Program Offices may prepare a Programmatic NEPA Document, either an Environmental Assessment (EA) or Environmental Impact Statement (EIS), with additional tiered NEPA documents when necessary for individual sites
  - Programmatic NEPA documents typically include
    - System description and characteristics
    - Analysis of system impacts on sample/nominal environments
  - If a tiered document is necessary, it contains the site-specific analysis

## NEPA Compliance Approaches for DoD Acquisition Programs, Continued

- ▶ Air Force typically prepares site-specific NEPA documents for acquisition systems
  - Uses information and data in the PESHE, if available
  - Addresses the specific system and Proposed Action, e.g. testing, fielding, disposal
  - Assesses environmental impacts based on conditions unique to the location of the Proposed Action

## Joint MRAP Vehicle Program Experience

- ▶ Joint-Service ESOH Team established – May 2007
- ▶ Initial PESHE completed – Nov 2007
  - Called for Joint Programmatic EA to support “system acquisition, testing, training, fielding, and disposal.”
  - Scope:
    - Site-specific environmental conditions NOT addressed
    - Impacts categorized as “insignificant,” “minimal,” and “significant”
- ▶ Original target completion date for the Joint Programmatic EA – May 2008
  - Delays encountered almost immediately due to issues of
    - Inability to collect representative site data from the Services
    - Concerns about the how to accomplish the public review/hearings
  - Lead Service reevaluated the wisdom of Programmatic document

## Joint MRAP Vehicle Program Experience, Continued

- ▶ Delivery of MRAPs to CONUS Home Station Training Sites began in 2008
  - Army prepared a Programmatic EA for Fielding and Use of MRAP Vehicles at Army Installations in the U.S. – Sep 2009
  - Individual Air Force and Navy sites prepared local NEPA documents, typically Categorical Exclusions
- ▶ In April 2010, the MRAP Joint Program Office decided to prepare a Technical Report for MRAP to support site-specific NEPA analyses
  - Completed in June 2012
  - Contained information on
    - System characteristics for each of the eight MRAP variants
    - System-specific environmental impact information, e.g., hazardous materials, noise, etc...



# NEPA Compliance Challenges for Joint DoD Acquisition Programs

- ▶ Developing system-specific environmental impact data while the system is in development
- ▶ Reconciling the different and often conflicting Participating Service NEPA policies and procedures
- ▶ Determining which Participating Service sites provide representative environments of the ultimate fielding locations
- ▶ Accessing representative environments at Participating Service(s) locations to support programmatic analyses
- ▶ Coordinating and staffing Programmatic NEPA documents with the Participating Service(s) and conducting the required public review
- ▶ Getting either the Programmatic NEPA documents to sites to prepare tiered NEPA documents or getting system-specific data to the sites in time to complete NEPA analyses prior to the Proposed Action at the site

## Observations

- ▶ Need a common DoD-wide approach for system acquisition NEPA compliance
- ▶ Whether a Program Office prepares a Programmatic NEPA document or a “Technical Document” (e.g., PESHE), individual sites where the system will be employed (testing or fielding) must prepare site-specific NEPA documents
- ▶ Joint Programmatic NEPA Documents must satisfy a complex set of statutory and regulatory requirements that can make them late to need
- ▶ Providing the necessary system-specific environmental data in a non-NEPA document is the preferred solution
  - Programs already required to prepare a PESHE which IAW DODI 5000.02 should contain the required environmental impact information
  - Expedites availability to sites by avoiding the statutory and regulatory requirements of NEPA to support timely site-specific NEPA analyses
  - Facilitates providing updated information in a timely manner
- ▶ The next presentation will introduce the new PESHE concept

# Questions?

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