

Nomination Received by Council on Environmental Quality, Executive Office of the President
For the CEQ NEPA Pilot Project Program
<http://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa/nepa-pilot-project-nominations>

PART I. NOMINATOR

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Organization:	Center for Climate Change Law, Columbia Law School
Project Title:	[None Submitted]
Submitted by:	Member of the Public
Date Received:	06/13/2011

PART II. SHORT ANSWERS

I. What Federal agency or agencies will be involved in this pilot project?

This pilot project will involve building toward the creation of a centralized online database of all Environmental Impact Statements (EISs) and the resulting Records of Decision (RODs). Therefore, all Federal agencies that submit EISs will be involved in this pilot project.

II. What is the Federal action to which this NEPA pilot project applies?

This pilot project applies to all Federal actions that are subject to NEPA and require an EIS. Later stages would also involve state-level EISs.

III. How will this pilot project reduce the costs and time needed to complete the NEPA process?

The preparation of an EIS involves extensive research and the collection of a great deal of valuable information. EISs are prepared at great cost and can often take several years to complete. Over time, much of the data contained in EISs are lost or become increasingly difficult to locate and access. A centralized online database will allow preparers of new EISs to use the information already collected for past EISs. This reduces the time required for EA and EIS preparation by allowing information previously collected for NEPA purposes to be immediately accessed. The accessibility problem is especially acute for older EISs that only exist in hard copy form.

Although there will be an initial cost of setting up such a system, all current EIS' are created on word processing software and this will make the shift towards an online database relatively low in cost. Agencies' current efforts to upload NEPA-related information on their websites show the feasibility and desirability of this project. However, the current ad hoc approach does little to alleviate the difficulty in locating and accessing data contained in EISs, and lacks the comprehensiveness of a centralized database.

The Paperwork Reduction Act requires the government to "provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology." A centralized online database realizes these goals by using the Internet to

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increase public access to EISs, to increase public participation in government decision-making, and to maximize the usefulness of the data collected for the EISs.

IV. How will this pilot project ensure rigorous environmental protection?

During environmental analysis, agencies often base their decisions on commitments to take mitigation measures. In keeping with CEQ's recent mitigation guidance, an online database will facilitate the monitoring of such mitigation commitments as well as help prevent conflicts in mitigation commitments between different projects or EISs. Furthermore, a database of all EISs filed will allow for meaningful review of the accuracy of predictions regarding environmental effects and mitigation efforts made in the statements. Thus, decisions based on inaccurate assumptions can be minimized over time. Additionally, this project will create a broader context for environmental impact assessment in Federal agencies. A centralized online database will facilitate the synthesis of valuable information from various EISs and agencies. Comparison of different EISs can create useful benchmarks. The project will also allow one to aggregate data over time. With aggregate data, agencies can build on information collected to facilitate learning and the government can evaluate its overall environmental performance over time to track its mitigation of the environmental effects of its actions.

Lastly, this pilot project will allow the continued productive use of unique information acquired during the preparation of EISs. Older EISs contain a wealth of information that can be used to study and track the changes of geographical regions over time as well as the impact of human actions on the environment. Additionally, an online database of EISs allows for easier searching of EISs, making it easier for interested parties to find relevant information.

V. How will this pilot project improve the quality and transparency of agency decisionmaking?

An online database will improve the transparency of agency decision-making by increasing public access to EISs, allowing all interested persons to access a wide variety of information more easily. An easier-to-access online database makes the decision-making process more transparent by showing the environmental factors and alternatives considered to a greater prospective audience.

This project facilitates public monitoring of mitigation commitments while a Federal action is being carried out and after it has been completed. It holds the agencies more accountable to maintaining their mitigation commitments and encourages making realistic predictions in the EISs. The CEQ's new guidance on NEPA requires agencies to post commitments to mitigation on their individual websites. Including this in a centralized database would make it easier for the public to find such information and participate. While the new guidance only requires ineffective mitigation to be remedied when there is Federal action remaining to be taken, posting and maintaining EISs on a database would help prevent the

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choice of ineffective mitigation measures from the beginning, and will assist affected communities in ensuring that mitigation commitments are fulfilled.

VI. Will this pilot project develop best practices that can be replicated by other agencies or applied to other Federal actions or programs? Please describe?

The advantages of this pilot project are broadly applicable to most Federal agencies or programs. Creating a comprehensive and centralized database in this pilot project can serve as a model to Federal agencies on providing information and data to the public in an easily accessible way. Adoption of such a system in other agencies or programs will increase overall transparency and public participation in governmental decision making. Most programs can also benefit from a centralized database that provides an easy and systematic way to search government documents or important findings, especially from greater cross-agency information sharing. Moreover, if all EISs were individually accessible online, it would be much easier to identify and promulgate best practices in EIS preparation.

PART III. PROJECT DESCRIPTION

(See attachment on following page.)

CENTER FOR CLIMATE CHANGE LAW – PILOT PROJECT PROPOSAL

Preparation of an EIS can cost hundreds of thousands to millions of dollars, and involves the compilation of large amounts of original data about the natural and human environments. Although EISs are now created in electronic form, older EISs only exist in paper form. Once a final decision is made on a project, the EIS and other environmental documents are typically filed away and forgotten. Over time, many of these documents are destroyed and the data permanently lost. Existing documents are not indexed or cataloged, so the information contained is hard to retrieve and lost for practical purposes.

This pilot project has two primary aims. The first is the creation of a centralized online database where EISs are stored and accessible. The documents should be indexed so that they can be word searchable and also organized by factors such as geographical region, subject area, and date. Internally, each individual EIS should be easily searchable as well. Individual EISs can be hundreds or thousands of pages long, and rarely have indexes. As a result, researchers currently have no easy way of knowing which subjects have been studied in previous EISs. Each individual EIS stored on an electronic database can easily be tagged with metadata tags for easier sorting and searching. Additionally, people frequently need to access data across different agencies, and the process for finding and accessing data can be time-consuming and laborious. A centralized database would greatly facilitate cross-agency information sharing.

The second aim of the pilot project is the digitization of old EISs for inclusion in the centralized database. Old EISs that only exist in paper form are expensive to locate, search and reproduce. Old EISs still represent a wealth of information that can be valuable to Federal agencies and researchers, but as a practical information that information is inaccessible because no one knows it exists or where to find it. Much of that information is permanently lost as old EISs are destroyed because they consume valuable shelf space; they are often discarded when agencies move offices, for example.

The digitization and cataloging of these EISs can serve as an important tool in the drafting of new EISs, as well as in measuring the efficacy of the predictions in EISs for ex post facto review. The data in these old EISs can potentially be invaluable in understanding environmental trends, base case conditions, and the impact of human actions on the environment. When a new project is proposed or a major spill or other incident occurs, it would be enormously useful to be able to access immediately the baseline information that has been prepared over the last 40 years about the relevant geographic area.

The Transportation Library of Northwestern University in Illinois maintains a large collection of EISs in hard copy form. They have indicated to us in informal communications that they would be quite pleased to make their collection available for scanning into a database. The scanning of large numbers of lengthy EISs would likely be the most expensive part of this initiative. It is possible that a public database provider such as Google would be willing to store the database on its server system.

The implementation of a centralized database would further a number of administration goals and priorities. A number of current laws already suggest that EISs should be made available online, such as the Provisions of Paperwork Reduction Act

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Amendments of 1995, the Electronic Freedom of Information Act of 1996, and the E-Government Act of 2002. In the Presidential Memorandum on the Freedom of Information Act issued on the first day of his Administration, President Obama directed that “All agencies shall use modern technology to inform citizens about what is known and done by their government.”

The project need not be done all at once. The following stages are suggested; these could be carried out over a period of years as resources become available. The pilot project might consist of Steps #1 and #2.

1. Create a web site that has links to the pages on all existing agency web sites where EISs are posted on-line
2. Enhance this web site by providing links to all the individual EISs that are posted on-line
3. Download all these individual EISs onto a centralized data base
4. Scan old NEPA EISs (beginning with those in the Northwestern University library) into this database
5. Add other key NEPA documents to the database (especially Environmental Assessments and Records of Decision)
6. Add state-level EISs to the database