CHIPS PROGRAM OFFICE

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) GUIDANCE

October 2023



This document is intended to provide guidance and recommendations to assist applicants develop NEPA documentation. Nothing herein should be interpreted to override the requirements articulated in the NEPA statute (National Environmental Policy Act of 1969 and its amendments) or NEPA implementing regulations (40 CFR parts 1500-1508). Where any conflict, real or perceived, exists between the template and the statute or implementing regulations, document preparers should adhere to latter.

INTRODUCTION

The purpose of this guidance and NEPA template is to provide a general framework for preparers of NEPA documents (CHIPS Program Office [CPO] or CHIPS applicants), including both Environmental Assessments (EAs) and Environmental Impact Statements (EISs), to promote consistency across the CHIPS Incentives Program. However, all authors of NEPA documents should modify the documents as needed to meet project needs and legal requirements.

This document is intended to provide guidance and recommendations to assist applicants develop NEPA documentation. Nothing herein should be interpreted to override the requirements articulated in the NEPA statute (National Environmental Policy Act of 1969 and its amendments) or NEPA implementing regulations (40 CFR parts 1500-1508). Where any conflict, real or perceived, exists between the template and the statute or implementing regulations, document preparers should adhere to latter.

CPO is mindful of the ongoing revisions to the Council on Environmental Quality (CEQ) NEPA implementing regulations (40 CFR parts 1500-1508). Therefore, CPO will periodically review the contents of this template and revise it accordingly. We encourage applicants to consult CPO prior to using the template to discuss any pending revisions.

CPO is open to innovative approaches to meet NEPA requirements. If an applicant wishes to explore new methods, formats or concepts for NEPA compliance, please bring your ideas to your CPO NEPA Analyst for discussion.

Instructions for Use of this guidance and template

This template consists of an outline comprised of the sections most commonly included in EAs and EISs. The template text is provided for guidance only and should be tailored by the authors to meet the project’s needs and legal requirements. In the template, the following customs are used:

*Arial font italics*: Provides a general description of the types of information usually provided in that section. This text should be removed from the document prior to submittal of draft or final versions.

*Blue arial font indented italics*: Blue italic text is provided as overall guidance or helpful insights to guide the author. This text should be removed from the document prior to submittal of draft or final versions.

Brackets: Text within brackets indicates a phrasing choice or text requiring tailoring by the author to the specific aspects of the project.

Structure and Style of NEPA Document

To meet applicable page limits (75 pages for EAs and 150 pages for EISs), it is important that authors look for ways to assess potential impacts in a concise manner. While regulations and guidance do not give explicit instructions on how to count pages, CPO recommends the following not be counted against the page limit:

* The cover page and executive summary
* The table of contents
* Tables and Figures within the main body
* List of references
* List of preparers
* Distribution list

Appendices

Authors must also be mindful of the time limits for NEPA: one year for EAs and two years for EISs (40 CFR Part 1501.10).

**Project Definition.** For purposes of this guidance, the term “project” is used broadly to indicate the scope of the proposed action and alternatives that will be evaluated within a single NEPA document. The term may be used differently in other contexts within the CHIPS Incentives Program. For example, under funding notices published for the CHIPS Incentives Program, for purposes of an application, a “project” is defined as a set of capital expenditures for the construction, expansion, or modernization of a single facility. Within this NEPA guidance, however, the term “project” could address more than a single facility.

**Resource Areas.** The order in which resource areas are currently addressed within Chapter 3 (Affected Environment and Environmental Consequences) and Chapter 4 (Cumulative Impacts) is provided for example purposes only. The order of presentation will likely be unique to each document and should be organized in a manner that addresses those with the potentially greatest impacts or those of greatest public concern first and in a logical order that best presents a clear story to the reader. Effective project pre-planning and discussions between the agency, applicant, stakeholders, and other agencies will help in determining the appropriate order of resources.

The level of detail for each resource area may vary depending on many factors such as level of analysis, controversy, potential impacts, or other considerations. In general, projects with significant effects requiring an EIS will provide greater levels of analysis and may require more modeling or calculations than projects without significant effects. Overall, both EISs and EAs should be analytic, concise, and no longer than necessary to comply with NEPA. Document length should be proportional to potential environmental effects and project size.

To meet timelines and page limits, document preparers should consider focusing the document on those resources that have more than a negligible impact and streamlining analysis of non-impacted resource areas to the extent possible. Each CPO NEPA Analyst managing the preparation of a document, in coordination with the action proponent, stakeholders, and legal counsel, must determine the appropriate level of detail.

Recommended reading:

* NEPA Regulations (Council for Environmental Quality [CEQ]), 40 CFR parts 1500-1508
* CEQ’s Forty Most Asked Questions Concerning NEPA Regulations

[Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements, Second Edition (at https://www.energy.gov/nepa/articles/recommendations-preparation-environmental-assessments-and-environmental-impact)](https://www.energy.gov/nepa/articles/recommendations-preparation-environmental-assessments-and-environmental-impact)

In Draft and Final EISs, public input from the scoping period should be identified in the beginning of Chapter 3 (Affected Environment and Environmental Consequences) and relevant resource sections. Additionally, issues of public concern that don’t fit in the category of a “resource” may also be addressed at the beginning of Chapter 3.

**Style and Format.** The authors are encouraged to consult the Chicago Manual of Style for guidance on styles, grammar, capitalization, language, and formatting. Authors are encouraged to use the embedded styles within this word document. Editors should plan for Section 508 of the Rehabilitation Act (see https://www.section508.gov/) compliance early in the drafting of the document.

**Measurement Conversions and Significant Figures.** Metric conversions of English units are not required. However, it is important to ensure consistent use of commonly accepted units for a certain measurement. This will allow the public to more readily understand the document.

Use significant figures: see https://www.britannica.com/science/significant-figures. For readability, it may be preferable to round up numbers to simplify. For example, instead of ‘0.915 acres’ you could state ‘approximately 1 acre’.

[Draft](#APZTP93" \o "Template Tip #93 Version Number) Environmental Assessment or

Draft Environmental Impact Statement

For

INSERT NAME OF PROPOSED ACTION HERE

At

INSERT FACILITY NAME AND/OR LOCATION HERE

DATE (Month and Year)

[Placeholder for Deliberative Process Statement for Internal Drafts]

The cover page can include additional visual elements. Commercial logos are not permitted.

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[Abstract](#APZTP3" \o "Template Tip #3 Abstract Page)

|  |  |
| --- | --- |
| Designation | **Environmental Assessment or Environmental Impact Statement** |
| Title of Proposed Action |  |
| Project Location |  |
| Lead Agency |  |
| Cooperating Agency(ies) |  |
| Affected Region |  |
| Action Proponent | **CHIPS Program Office, Department of Commerce** |
| CHIPS Program Office Point of Contact | **Name, street address, city, state, zip. Email Box.** |
| Date | **Month and year of version** |

The CHIPS Program Office (CPO), under the National Institute of Standards and Technology, Department of Commerce [and xxxx as a cooperating agency(ies)], has prepared this [Environmental Assessment or Environmental Impact Statement] in accordance with the National Environmental Policy Act, 42 U.S.C. § 4321 et seq. The Proposed Action would [construct/develop/modernize xxxx] in [approximate timeframe] to support [what type of end use].

This [Environmental Assessment or Environmental Impact Statement] evaluates the potential environmental impacts associated with [at least two] action alternatives, Alternatives 1 [and any others], and the No Action Alternative to the following resource areas: (list all appropriate resources here).

In most cases, the Agency public affairs office will be identified as the appropriate point of contact. This must include a person’s name and title. A public-facing email address will be provided by CPO (not an individual’s email).

The abstract paragraph should focus on the scope of the Proposed Action and not the potential environmental impacts associated with implementing the Proposed Action.

The cover should also include the date by which the agency must receive comments.

For the Final EISs, include the estimated total cost to prepare both the draft and final environmental impact statement, including the costs of agency fulltime equivalent (FTE) personnel hours, contractor costs, and other direct costs. If practicable and noted where not practicable, agencies also should include costs incurred by cooperating and participating agencies, applicants, and contractors.

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[EXECUTIVE SUMMARY](#APZTP6" \o "Template Tip #6 Executive Summary)

IMPORTANT: The text in the executive summary should be populated last, after the draft NEPA document is set to avoid rework and inconsistencies with the main document.

The Executive Summary requires attention because of its importance. It is the only section read by some people and establishes the first impression of the quality of the document and analyses. Keep in mind the following items as you prepare the Executive Summary: 1) Recommended five page maximum for EA; 2) A recommended 20 page maximum for EIS; 3) Sentences in the summary should be lifted directly from the body of the EA or EIS; 4) There should be no new information or conclusions developed when writing the executive summary.

1. Proposed Action

Briefly introduce the Proposed Action including the action and location. Discuss lead agency and any cooperating agencies.

1. Purpose of and Need for the Proposed Action

The purpose of the Proposed Action is [xxxx]. The need for the Proposed Action is [xxxx].

1. [Alternatives Considered](#APZTP7" \o "Template Tip #7 Alternatives Considered)

Provide a shortened description of the alternatives from Section 2.3 of the EA or EIS. Identify the preferred alternative if that has been determined.

1. Summary of Environmental Resources Evaluated in the [EA or EIS]

The National Environmental Policy Act and the Council on Environmental Quality’s implementing regulations specify that an environmental analysis should address those resource areas potentially subject to impacts. In addition, the level of analysis should be commensurate with the anticipated level of environmental impact.

The following resource areas have been addressed in this [EA or EIS]: [xxxx, xxxx, and xxxx]. Because potential impacts were considered to be insignificant, negligible or nonexistent, the following resources were not evaluated in this [EA or EIS]: [xxxx, xxxx, and xxxx].

Describe the extent of important existing regulated and non-regulated resources (e.g., those that require mitigation measures, consultations, and concurrence) that were analyzed in the EA or EIS (e.g., wetlands, threatened and endangered species, habitat historic properties, air quality, etc.).

1. [Summary of Potential Environmental Consequences of the Action Alternatives and Major Mitigating Actions](#APZTP8" \o "Template Tip #8 Summary of Environmental Consequences)

Provide a narrative of environmental consequences and mitigations.

Table ES-1 provides a tabular summary of the potential impacts to the resources associated with each of the action alternatives analyzed.

1. [Public Involvement](#APZTP9" \o "Template Tip #9 Public Involvement)

Describe opportunities for public involvement through scoping (EIS), the draft document version and final version, as applicable. Typically, any public comments and responses can be summarized in the final document within an appendix.

Table ES-1 Summary of Potential Impacts to Resource Areas (note: list in order of importance)

|  |  |  |  |
| --- | --- | --- | --- |
|  | No Action Alternative | Name of 1st Action Alternative  | [Name of 2nd Action Alternative] |
| Air Quality |  |  |  |
| Water Resources |  |  |  |
| Geological Resources |  |  |  |
| Cultural Resources |  |  |  |
| Biological Resources |  |  |  |
| Land Use |  |  |  |
| Noise |  |  |  |
| Infrastructure |  |  |  |
| Transportation |  |  |  |
| Human Health and Safety |  |  |  |
| Hazardous Materials and Wastes |  |  |  |
| Socioeconomics |  |  |  |
| Environmental Justice |  |  |  |
| Climate Change, Resiliency and Sustainability |  |  |  |

Add table notes at the end as needed.

Note: This is designed to be an illustrative list, and resource areas and number of alternatives may vary depending on the project.

[Environmental Assessment / Environmental Impact Statement]

Project Title

City, State

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[Abbreviations and Acronyms](#APZTP15" \o "Template Tip #15 Abbreviations and Acronyms)

Limit the use of acronyms. As a rule, only use an acronym if it is used 3 or more times in the entire document. If in doubt, apply your best judgment keeping in mind that one purpose of the document is to present a reader-friendly presentation of the material for both the public and the decisionmaker.

Define abbreviations and acronyms at their initial use in the Executive Summary and then again the first time they are used in the main body of the document.

Acronyms listed here are illustrative only.

|  |  |
| --- | --- |
| APE | Area of Potential Effects |
| BMP | best management practice |
| CAA | Clean Air Act |
| CEQ | Council on Environmental Quality |
| CFR | Code of Federal Regulations |
| CHIPS | Creating Helpful Incentives to Produce Semiconductors |
| CO | carbon monoxide |
| CO2 | carbon dioxide |
| CPO | CHIPS Program Office |
| CWA | Clean Water Act |
| dB | decibel |
| dBA | A-weighted sound level |
| DOC | United States Department of Commerce |
| EA | Environmental Assessment |
| EIS | Environmental Impact Statement |
| EO | Executive Order |
| EPCRA | Emergency Planning and Community Right-to-Know Act |
| ESA | Endangered Species Act |
| FONSI | Finding of No Significant Impact |
| GHG | greenhouse gas |
| HAP | hazardous air pollutant |
| MBTA | Migratory Bird Treaty Act |
| MMPA | Marine Mammal Protection Act |
| NAAQS | National Ambient Air Quality Standards |
| NEPA | National Environmental Policy Act |
| NHPA | National Historic Preservation Act |
| NO2 | nitrogen dioxide |
| NOA | notice of availability |
| NOI | Notice of Intent |
| NPDES | National Pollutant Discharge Elimination System |
| NRHP | National Register of Historic Places |
| NIST | National Institute for Standards and Technology |
| PM10 | particulate matter less than or equal to 10 microns in diameter |
| PM2.5 | particulate matter less than or equal to 2.5 microns in diameter |
| Ppm | parts per million |
| RCRA | Resource Conservation and Recovery Act |
| SHPO | State Historic Preservation Officer |
| SO2 | sulfur dioxide |
| TSCA | Toxic Substances Control Act |
| U.S.C. | United States Code |
| USACE | U.S. Army Corps of Engineers |
| USEPA | U.S. Environmental Protection Agency |
| USFWS | U.S. Fish and Wildlife Service |

# [Purpose of and Need for the Proposed Action](#APZTP16" \o "Template Tip #16 Purpose and Need Statements)

## Introduction

The CHIPS Program Office (CPO), part of the National Institute of Standards and Technology (NIST) within the Department of Commerce (DOC), proposes to [xxxx at xxxx]. The action would take place [insert temporal setting based on available information, such as year of planned construction followed by ongoing use of the facility or related activities].

This section briefly identifies the Proposed Action and the responsible agency or agencies involved, including any cooperating agencies. It provides a succinct summary of the history of events, and other relevant background information, leading up to the Proposed Action. It also identifies the regulatory authority under which the NEPA document is being prepared.

CPO has prepared this [Environmental Impact Statement (EIS) or Environmental Assessment (EA)] in accordance with the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.) and the Council on Environmental Quality (CEQ) NEPA implementing regulations (40 CFR parts 1500-1508).

[Where applicable: (Name of cooperating agency) is a cooperating agency in the preparation of this document and has participated to ensure this document meets the requirements of (insert the appropriate agency implementing regulations)].

## [Background](#APZTP25" \o "Template Tip #25 - Background)

Use the Background section to provide valuable information to help tell the story of events leading up to this action or other important current events that may affect the Proposed Action.

## [Location](#APZTP17" \o "Template Tip#17 Location)

Describe the location and setting. Include location map(s) to orient the reader.

## [Purpose of and Need for the Proposed Action](#APZTP19" \o "Template Tip #19 Purpose and Need)

The [purpose](#APZTP20" \o "Template Tip #20 Purpose) of the Proposed Action is [xxxx].

The [need](#APZTP21" \o "Template Tip #21 Need) for the Proposed Action is [xxxx].

Provide supporting detail to explain the purpose and need.

*The CHIPS Program Office will generate this section.*

The purpose is a statement of goals and objectives that an agency intends to fulfill by taking action. It is typically based on a problem to be fixed or solved, or a decision that needs to be made.

The need statement explains why an agency is proposing a particular action at a particular time. The need statement might describe some underlying condition that needs to be corrected, or a requirement that needs to be carried out. A well-substantiated need statement should present evidence of the problem to be addressed. Such evidence can include background information about the conditions that need to be changed or fixed, agency mission responsibilities or requirements, agency policy or guidance, management objectives, or other specific information documenting why action is being proposed. Often, explaining what the agency’s overall mission is, as an introduction or background to the need statement, supports or clarifies why there is a particular need.

The Purpose and Need statement and the description of the Proposed Action should not be “one and the same.” The Purpose and Need statement should not be so broad that it fails to effectively support the development of the range of reasonable alternatives to be analyzed.

Chapter 1 should be succinct. Do not include specific Proposed Action details in Chapter 1, as these should be introduced in Chapter 2.

## Scope of Environmental Analysis

This [EA or EIS] includes an analysis of potential environmental impacts associated with the action alternatives and the No Action Alternative. [The environmental resource areas analyzed](#APZTP23" \o "Template Tip #23 Resource Areas Analyzed) in this [EA or EIS] include: [air quality, water resources, geological resources, cultural resources, biological resources, land use, noise, infrastructure, transportation, human health and safety, hazardous materials and waste, socioeconomics, climate change, and environmental justice]. The study area for each resource analyzed may differ based on how the Proposed Action interacts with or impacts the resource. For instance, the study area for geological resources may only include the construction footprint of a building whereas the transportation study area could include areas that may be impacted by traffic or transportation options outside the project area.

## Agency Decisions

To be tailored to the action by CPO. For the CHIPS Incentives Program, decisions will largely focus on whether to provide financial assistance to a commercial project. Other decisions may involve imposing conditions on the project, as part of that assistance, in terms of mitigations and environmental commitments.

## [Key Documents](#APZTP80" \o "Template Tip #80 Key Documents)

[This is an optional section and may be deleted from the document if it is determined that there are no key documents]

If the analysis tiers from past NEPA documentation (40 CFR § 1501.11) or if documents are incorporated by reference (40 CFR § 1501.12), include a description of those documents and their relevance to the analysis here.

## [Relevant Laws, Regulations](#APZTP26), and Permits

CPO has prepared this [EA or EIS] based upon an evaluation of federal, state, and local laws, statutes, regulations, and policies pertinent to the implementation of the Proposed Action, as described in Chapter 5 ([Table 5-1](#TABLE_6_1)).

Also discuss relevant state-level NEPA processes and how this EA or EIS meets their requirements or how additional state environmental reviews will be addressed.

Construction-related environmental permits relevant to the action include:

* [Name of permit, agency that would issue the permit].

Operational environmental permits relevant to the action include:

* [Name of permit, agency that would issue the permit].

## [Public and Agency Participation and Intergovernmental Coordination](#APZTP27" \o "Template Tip #27 Public Involvement)

DRAFT EIS ONLY:

CPO published a Notice of Intent (NOI) in the Federal Register on Month DD, 20yy (XX *Federal Register* page) to prepare an EIS, which included dates and locations for conducting scoping meetings. CPO also notified the public through notices in local newspapers and on its website. CPO solicited public and agency comments during a scoping period from Month DD, 20yy through Month DD, 20yy. Scoping meeting(s) were held on Month DD, 20yy in [Location(s)]. Comments received during the scoping period were considered in preparing the Draft EIS.

CPO has prepared this Draft EIS to inform the public of the Proposed Action and to allow the opportunity for public review and comment. The Draft EIS review period begins with a public notice published in [insert name of newspaper(s)] and Federal Register [insert citation] indicating the availability of the Draft EIS and the locations where public review copies are available. The Draft EIS will also be made available on the following website, [insert URL].

CPO published a Notice of Availability of the Draft EIS for three consecutive days in the (name of local newspaper) on the dates of Month, DD–DD, 20yy. The notice describes the Proposed Action, solicits public comments on the Draft EIS, provides dates of the public comment period, and announces that a copy of the EIS is available for review (explain how or where). CPO will hold public meetings to describe the environmental impacts of the Proposed Action and alternatives and to receive comment on the Draft EIS impacts analyses.

FINAL EIS ONLY, Retain the above except the last paragraph and include:

CPO published a Notice of Availability of the Draft EIS for three consecutive days in the (name of local newspaper) on the dates of Month, DD–DD, 20yy. The notice described the Proposed Action, solicited public comments on the Draft EIS, provided dates of the public comment period, and announced that a copy of the EIS would be available for review (explain how or where). CPO held public meetings to describe the environmental impacts of the Proposed Action and alternatives and to receive comment on the Draft EIS impacts analyses. [No public comments were received. -or- Comments were received and all substantive comments will be addressed in the Record of Decision -or- Comments were received and are provided in Appendix G with the respective responses].

CPO published a Notice of Availability on [Month DD, 20yy] in the *Federal Register* [(XX *Federal Register* page)] to inform the public that the Final EIS has been released. Publication of the notice of availability began the 30-day wait period. A notice that the Final EIS was ready for review was also sent to the distribution list in Appendix [X] and published in local newspapers. Comments received during the 30-day period will be considered in reaching the final decision. Following the 30-day wait period, a Record of Decision (ROD) will be prepared. The ROD will state the decision, identify alternatives considered (including the environmentally preferable alternative), address substantive comments received on the Final EIS that were not previously addressed, discuss other considerations that influenced the final decision, and address mitigation, if needed. Following signing of the ROD, CPO will publish a notice of availability of the ROD in the *Federal Register*.

Discuss completed consultations with other federal and state agencies as applicable.

DRAFT EA ONLY:

CEQ’s regulation under 40 CFR § 1501.5(e) directs agencies to involve the public, State, Tribal, and local governments, relevant agencies, and any applicants, to the extent practicable in preparing environmental assessments.

*Describe opportunities for public involvement on the EA.*

Discuss completed consultations with other federal and state agencies as applicable.

FINAL EA ONLY:

CEQ’s regulation under 40 CFR § 1501.5(e) directs agencies to involve the public, State, Tribal, and local governments, relevant agencies, and any applicants, to the extent practicable in preparing environmental assessments.

Describe opportunities for public involvement on the EA. Discuss completed consultations with other federal and state agencies as applicable.

The Final EA and Finding of No Significant Impact (FONSI) are made available on the following website, [insert URL].

# Proposed Action and Alternatives

## [Proposed Action](#APZTP28" \o "Template Tip #28 Proposed Action)

Include a description of the Proposed Action that answers the questions of who, what, where, when, how, and how many.

Based on appropriate Purpose and Need statements, the Proposed Action/project description must be clearly defined. The Proposed Action should have independent utility. The Proposed Action should not preclude or restrict consideration of alternatives for other reasonably foreseeable future actions.

The description of the Proposed Action should be straightforward and concise, but sufficiently detailed to form the basis for the EA or EIS analysis. It is important the description of the Proposed Action include all connected actions. See 40 CFR § 1501.9(e)(1) for guidance on connected actions.

## [Screening Factors](#APZTP29" \o "Template Tip #29 Screening Factors)

This section is optional. NEPA requires agencies take a hard look at alternatives. Screening factors are helpful to describe the Agency’s or action’s must-haves and can be one approach to inform the public and regulators how the agency developed its alternatives. If technical or economic factors suggest that an alternative is infeasible, consider whether there is a reasonable chance that those factors might change, rendering the alternative feasible.

Screening factors, when included, should be applied consistently to all alternatives. Common screening factors may include, but are not limited to: operational requirements, required footprint size, required support facilities or other infrastructure, and/or absence of environmental/geographical/natural constraints.

For CHIPS projects where the site location of an action is already determined prior to consideration of the proposed action, alternatives may take the form of variants or options on how an action is implemented or designed. For example, the proposal could evaluate various site configurations, transportation options, water source or water reuse options, options for phasing of the project, variants in operational capacity, or other aspects of the project’s design and construction that may decrease or increase the degree of environmental effects.

NEPA’s implementing regulations provide guidance on the consideration of alternatives to a federally proposed action and require rigorous exploration and objective evaluation of reasonable alternatives. Only those alternatives determined to be reasonable and to meet the purpose and need require detailed analysis.

Potential alternatives that meet the purpose and need were evaluated against the following screening factors:

* [xxxx
* xxxx

xxxx]

Various alternatives were evaluated against the screening factors. The alternatives considered include:

* [(Alternative XXXX)
* (Alternative YYYY)

(Alternative ZZZZ)]

## [Alternatives Carried Forward for Analysis](#APZTP31" \o "Template Tip #31 Alternatives Carried Forward)

Based on CPO’s purpose and need for the Proposed Action, [and, as appropriate, the reasonable alternative screening factors in 2.2] CPO identified the following action alternative(s) to be analyzed within this [EIS or EA].

Although the template recognizes two action alternatives and the No Action alternative, there may be only one action alternative analyzed in an EA or EIS, or there may be more than two action alternatives. Analysis of two or more action alternatives is more likely applicable under an EIS than an EA. It is incumbent upon the environmental planner to adjust this discussion accordingly.

CEQ’s “Forty Questions” provides guidance on the No Action Alternative. (<https://www.energy.gov/nepa/articles/forty-most-asked-questions-concerning-ceqs-national-environmental-policy-act>)

Most commonly, the No Action Alternative means the proposed activity would not take place, and the resulting environmental effects from taking no action would be compared with the effects of the action alternatives.

All aspects of the action alternatives need to be described and included in this section. Do not introduce new aspects in subsequent chapters.

Authors of this NEPA document should consider using a table to present alternatives if this would help to more clearly convey the similarities or differences between alternatives.

Name the action alternatives in a succinct manner that provides the reader with the ability to readily identify the differences between the action alternatives. (The names shown in the template [i.e., Action Alternative #1] are merely placeholders.)

### [No Action Alternative](#APZTP78" \o "Template Tip #78 No Action Alternative)

CPO will draft this section with input from the applicant. The No Action Alternative is a requirement for EISs.

For EAs, inclusion of a No Action Alternative is not required under the CEQ regulations but is a standard practice among Federal agencies and the most common method of presenting meaningful information on the magnitude of the effects of the action alternatives.

For actions occurring on commercial sites already under construction or where construction may proceed in whole or in part without Federal assistance, the No Action Alternative may not be a ‘no build’ scenario. Describing the baseline clearly under a No Action Alternative is beneficial to aid public and Federal agency understanding of effects under these circumstances.

Provide a short description of what will not happen as a result of implementing the No Action Alternative.

The No Action Alternative would not meet the purpose of and need for the Proposed Action; however, as required by NEPA, the No Action Alternative is carried forward for analysis in this EA. The No Action Alternative will be used to analyze the consequences of not undertaking the Proposed Action and will serve to establish a comparative baseline for analysis.

### [1st Action Alternative Name](#APZTP32" \o "Template Tip #32 Preferred Alternative) (Preferred Alternative)

Describe Alternative 1, such as construction, repair, renovation and demolition. Also describe all subsequent activities, such as operation and maintenance of the facility or any related action. Identify any connected actions (see 40 CFR § 1501.9) that are needed to ensure the action is effective.

The Preferred Alternative is the alternative believed to best fulfill CPO’s statutory mission and responsibilities with consideration of economic, environmental, technical and other factors.

Preferred Alternatives may be identified in EAs and Draft EISs and must be identified in Final EISs. The Preferred Alternative is not necessarily first in the list of action alternatives.

### [2nd Action Alternative Name](#APZTP33" \o "Template Tip #33 Other Action Alternatives)

Describe Alternative 2 in a manner similar in detail to Alternative 1.

### [Additional Alternative](#APZTP34)

Describe additional alternatives in a manner similar in detail to the others.

##  [Alternatives Considered but not Carried Forward for Detailed Analysis](#APZTP30" \o "Template Tip #30 Alternatives Considered but not Carried Forward for Detailed Analysis)

The following alternatives were considered, but not carried forward for detailed analysis in this [EA or EIS] as they did not meet the purpose and need for the project and satisfy the reasonable alternative screening factors presented in Section 2.2.

### Alternative Name

Include short description of alternative.

This alternative was considered but is not being carried forward for detailed analysis in the [EA or EIS] because [xxxx].

### Alternative Name

Include short description of alternative.

This alternative was considered but is not being carried forward for detailed analysis in the [EA or EIS] because [xxxx].

## [Best Management Practices Included in Proposed Action](#APZTP56" \o "Template Tip #56 - Mitigation Measures/Best Management ractices/Standard Operating Procedures)

This section presents an overview of the best management practices (BMPs) that are incorporated into the Proposed Action in this document. BMPs are existing policies, practices, and measures that [the applicant] will adopt to reduce the environmental impacts of designated activities, functions, or processes.

Although BMPs mitigate potential impacts by avoiding, minimizing or reducing/eliminating impacts, BMPs are distinguished from potential mitigation measures because BMPs are (1) existing requirements for the Proposed Action, (2) ongoing, regularly occurring practices, or (3) not unique to this Proposed Action. In other words, the BMPs identified in this document are part of the Proposed Action and are not potential mitigation measures proposed as a function of the NEPA environmental review process for the Proposed Action. Table 2-X includes a list of BMPs. Mitigation measures are discussed separately in Chapter 3.

BMPs include actions required by federal or state law or regulation.

BMPs could include incorporation of Leadership in Energy and Environmental Design, commonly referred to as LEED, and sustainable development concepts to achieve optimum resource efficiency, sustainability, and energy conservation. Emphasize any features relevant to reduction of GHGs or enhancing climate resiliency of the proposed action.

Table 2-X. Best Management Practices.

|  |  |  |
| --- | --- | --- |
| BMP | Description | Impacts Reduced/Avoided |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

## Incomplete or Unavailable Information

There will be times when needed information is unavailable or incomplete or where confidence levels in the data are low. It is the agency’s duty to disclose that fact and provide an honest and realistic appraisal of potential effects on the resource or issue of concern. When incomplete or unavailable information is relevant to the significance of an impact or choice of alternatives, the document must disclose this and discuss the implications of the missing information on the analysis.

Under this section, describe any incomplete or unavailable information, the resource analysis affected, the anticipated range of potential effects, if any, and how this relates to the decision among alternatives. If the analysis can rely on other sources that allow a reasonable approximation of effects, state this approach and rationale. (See 40 CFR § 1502.21 for CEQ NEPA regulations).

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# Affected Environment and [Environmental Consequences](#APZTP51" \o "Template Tip #51, Remove Hyperlink After Use)

Environmental planners often struggle with the right balance of detail in the Affected Environment section to support the analysis and conclusions of the Environmental Consequences. Per 40 CFR § 1502.15, “Data and analyses in a statement shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues. Verbose descriptions of the affected environment are themselves no measure of the adequacy of an environmental impact statement.”

The environmental planner should carefully review the environmental consequences section and consider whether there is sufficient information in the description of the affected environment to allow the decision maker and the public to understand the context of the potential effects being predicted. If excess or inconsequential facts and data mask this relationship, eliminating unnecessary detail should be considered.

Striking the right balance may take several iterations. Reviewers should ensure that the correct level of detail is included.

Consult 40 CFR § 1501.3(b) when considering the intensity and degree of effects.

The conclusions must provide sufficient information and detail regarding the significance or lack of significance associated with the potential impacts of the Proposed Action to allow the decision maker to make an informed and reasonable determination.

Be sure to include NEPA impact conclusions as well as any NHPA, ESA, or other regulatory conclusions as applicable.

The following techniques may be helpful in assessing impacts:

Compare and form a conclusion.

Consult with a recognized expert.

Review policies issued by agencies that have administrative or regulatory jurisdiction.

Identify a similar experience or example.

Refer to a law or regulation.

Assess the critical nature of the resource, the action, or the impact.

Compare a statutory threshold with results from an approved model or analytical approach.

This chapter presents a description of the environmental resources and baseline conditions that could be affected from implementing any of the alternatives and includes an analysis of the potential direct and indirect effects of each alternative.

All potentially relevant environmental resource areas were initially considered for analysis in this [EA or EIS]. In compliance with NEPA and CEQ’s regulations, the discussion of the affected environment (i.e., existing conditions) focuses only on those resource areas potentially subject to impacts. Additionally, the level of detail used in describing a resource is commensurate with the anticipated level of potential environmental impact.

[This section includes air quality, water resources, geological resources, cultural resources, biological resources, land use, noise, infrastructure, transportation, human health and safety, hazardous materials and wastes, socioeconomics, and environmental justice.](#APZTP35" \o "Template Tip #35,Resource Areas included for Analysis)

The potential impacts to the following resource areas are considered to be negligible or non-existent so they [were not analyzed in detail](#APZTP24" \o "Template Tip #24, Resources considered but not carried forward for detailed analysis) in this [EA or EIS]:

LIST EACH RESOURCE AREA NOT ANALYZED AS A SEPARATE BULLET: Include a short discussion about why each issue does not need to be addressed in detail. If a resource or sub-resource is removed because it is being addressed by another resource area that is carried forward, note that here.

## [Air Quality](#APZTP36" \o "Template Tip #36, Remove Hyperlink After Use)

[This discussion of air quality includes criteria pollutants, standards, sources, permitting, and greenhouse gases.](#APZTP37" \o "Template Tip #37 Level of Detail for Affected Environment) Air quality in a given location is defined by the concentration of various pollutants in the atmosphere. A region’s air quality is influenced by many factors, including the type and amount of pollutants emitted into the atmosphere, the size and topography of the air basin, and the prevailing meteorological conditions.

Most air pollutants originate from human-made sources, including mobile sources (e.g., cars, trucks, buses) and stationary sources (e.g., factories, refineries, power plants), as well as indoor sources (e.g., some building materials and cleaning solvents). Air pollutants are also released from natural sources such as volcanic eruptions and forest fires.

### Regulatory Setting

#### Criteria Pollutants and National Ambient Air Quality Standards

The Clean Air Act (CAA) (42 U.S.C. section 7401 et seq.) is the primary federal statute governing the control of air quality. The CAA designates six pollutants as “criteria pollutants” for which the USEPA has established National Ambient Air Quality Standards (NAAQS) to protect health and welfare (see Table 3.1-1). The criteria pollutants are carbon monoxide (CO), sulfur dioxide (SO2), nitrogen dioxide (NO2), ozone, suspended particulate matter less than or equal to 10 microns in diameter, fine particulate matter less than or equal to 2.5 microns in diameter (PM2.5), and lead. CO, SO2, NO2, lead, and some particulates are emitted directly into the atmosphere from emissions sources. Ozone and some NO2 and particulates are formed through atmospheric chemical reactions from other pollutant emissions (called precursors) that are influenced by weather, ultraviolet light, and other atmospheric processes.

NAAQS are classified as primary or secondary. Primary standards protect against adverse health effects; secondary standards are designed to protect public welfare, such as prevent damage to farm crops, vegetation, and buildings. Some pollutants have long-term and short-term standards. Short-term standards are designed to protect against acute, or short-term, health effects, while long-term standards were established to protect against chronic health effects.

States can establish their own ambient air quality standards that are more stringent than those set by federal law. The [insert appropriate State regulation] provides details regarding ambient air pollution standards in consideration of public health, safety, and welfare in the State of [insert appropriate State name], which has adopted the federal standards.

Areas that are in compliance with the NAAQS are designated as attainment areas. Areas that do not meet NAAQS for criteria pollutants are designated “nonattainment areas” for that pollutant.

Areas that have transitioned from nonattainment to attainment are designated as maintenance areas and are also required to adhere to maintenance plans to ensure continued attainment.

The CAA requires states to develop a general plan to attain and maintain the NAAQS in all areas of the country and a specific plan for each non-attainment or maintenance pollutant (including the pollutant’s precursor) to achieve (non-attainment) or maintain (maintenance) compliance with the appropriate NAAQS for that pollutant. These plans, known as State Implementation Plans (SIPs), are developed by state and local air quality management agencies and submitted to the USEPA for approval.

[In addition to the NAAQS for criteria pollutants, national standards exist for hazardous air pollutants (HAPs), which are regulated under Section 112(b) of the 1990 CAA Amendments. The National Emission Standards for Hazardous Air Pollutants regulate HAP emissions from stationary sources (40 CFR part 61).](#APZTP38" \o "Template Tip #38, Remove Hyperlink After Use)

Cite relevant NESHAPS for industrial or commercial processes.

#### [Mobile Sources](#APZTP39" \o "Template Tip #39, MSATs)

Describe relevant regulatory requirements for mobile sources (vehicles, heavy equipment, mobile generators, etc.).

#### General Conformity

Applies only to nonattainment or maintenance areas

The USEPA General Conformity Rule (40 CFR parts 6, 51 and 93) applies to federal actions occurring in nonattainment or maintenance areas when the total direct and indirect emissions of nonattainment pollutants (or their precursors) exceed specified thresholds. The emissions thresholds that trigger requirements for a conformity analysis are called *de minimis* levels. *De minimis* levels in tons per year (tpy) vary by pollutant and also depend on the severity of the nonattainment status for the air quality management area in question.

A conformity applicability analysis is the first step of a conformity evaluation and assesses whether a federal action must be supported by a conformity determination. This is typically done by quantifying applicable direct and indirect emissions that are projected to result due to implementation of the federal action. Indirect emissions are those emissions caused by the federal action and originating in the region of interest, but which can occur at a later time or in a different location from the action itself and are reasonably foreseeable. The federal agency can control and will maintain control over the indirect action due to a continuing program responsibility of the federal agency. Reasonably foreseeable emissions are projected future direct and indirect emissions that are identified at the time the conformity evaluation is performed. The location of such emissions is known and the emissions are quantifiable, as described and documented by the federal agency based on its own information and after reviewing any information presented to the federal agency. If the results of the applicability analysis indicate that the total emissions would not exceed the *de minimis* emissions thresholds, then the conformity evaluation process is completed.

Insert a table of General Conformity De Minimis Levels.

Acknowledge and discuss relevant State and local air management plans and de minimis levels.

#### Permitting

[New Source Review (Preconstruction Permit)](#APZTP40" \o "Template Tip #40, Remove Hyperlink After Use)

New major stationary sources and major modifications at existing major stationary sources are required by the CAA to obtain an air pollution permit before commencing construction. This permitting process for major stationary sources is called New Source Review (NSR) and is required whether the major source or major modification is planned for nonattainment areas or attainment and unclassifiable areas. In general, permits for sources in attainment areas and for other pollutants regulated under the major source program are referred to as Prevention of Significant Deterioration (PSD) permits, while permits for major source emissions located in nonattainment areas are referred to as nonattainment new source review permits. In addition, a proposed project may have to meet the requirements of nonattainment new source review for the pollutants for which the area is designated as nonattainment and PSD for the pollutants for which the area is attainment. Additional PSD permitting thresholds apply to increases in stationary source greenhouse gas (GHG) emissions. PSD permitting can also apply to a new major stationary source (or any net emissions increase associated with a modification to an existing major stationary source) that is constructed within 6.2 miles of a Class I area, and which would increase the 24-hour average concentration of any regulated pollutant in the Class I area by 1 microgram per cubic meter (μg/m3) or more. PSD is regulated under Part C of Title I of the CAA. NSR for nonattainment areas is regulated under Part D of Title I. Minor NSR is regulated by Section 110(a)(2)(c) of Part A of Title I.

[Title V (Operating Permit)](#APZTP41" \o "Template Tip #41, Title V)

The Title V Operating Permit Program consolidates all CAA requirements applicable to the operation of a source, including requirements from the SIP, preconstruction permits, and the air toxics program. It applies to stationary sources of air pollution that exceed the major stationary source emission thresholds, as well as other non-major sources specified in a particular regulation.

#### [Greenhouse Gases](#APZTP99" \o "Template Tip #99 - Climate Change and GHGs)

GHGs are gas emissions that trap heat in the atmosphere. These emissions occur from natural processes and human activities. Scientific evidence indicates a trend of increasing global temperature over the past century due to an increase in GHG emissions from human activities. The climate change associated with this global warming is predicted to produce negative economic and social consequences across the globe.

GHGs are carbon dioxide (CO2), methane, nitrogen oxide (NOx), hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and other fluorinated gases including nitrogen trifluoride and hydrofluorinated ethers. Each GHG is assigned a global warming potential. The global warming potential is the ability of a gas or aerosol to trap heat in the atmosphere. The global warming potential rating system is standardized to CO2, which has a value of one. The equivalent CO2 rate (CO2e) is calculated by multiplying the emissions of each GHG by its global warming potential and adding the results together to produce a single, combined emissions rate representing all GHGs.

### Affected Environment

Describe overall air quality in the region. Include project-site annual emissions in table format where applicable. Include information about any existing air permits such as a Title V Operating Permit and the types of sources covered (fuel burning equipment, external combustion sources (e.g., boilers and heaters); internal combustion engines (e.g., diesel emergency power generators); solvent degreasing; and HAPS use in manufacturing). Describe any on-going air quality improvement initiatives that may intersect with the proposed action.

### [Environmental Consequences](#APZTP91)

Effects on air quality are based on estimated direct and indirect emissions associated with the action alternatives. The region of influence (ROI) for assessing air quality impacts is the air basin in which the project is located, the [insert name of appropriate basin]. The ROI for assessing GHGs is generally global, although relative impacts of a project may be assessed against regional, State or local GHG goals.

Estimated emissions from a proposed federal action are typically compared with the relevant national and state standards to assess the potential for increases in pollutant concentrations.

#### [No Action Alternative](#APZTP54" \o "Template Tip #54, Impacts of the No Action Alternative)

Discuss the potential impacts associated with the No Action Alternative.

#### Short Title (Preferred Alternative)

[Potential Impacts](#APZTP55" \o "Template Tip #55, Potential Impacts Discussion)

Address impacts associated with construction, repair, renovation, and/or demolition. Also describe the impacts that would occur during normal activities, such as operation and maintenance of the facility, or a directly related action. Include the methods used to estimate emissions and/or refer reader to an appendix for more detailed information if necessary.

General Conformity

Insert general conformity analysis results here, if applicable. State whether a conformity evaluation was required. If emissions were de minimis, state that a record of non-applicability was prepared and is included in Appendix XX. If emissions were above the de minimis thresholds, then summarize the conformity evaluation results here and include the evaluation as an appendix.

Greenhouse Gases

Describe the amounts of GHGs or CO2e from construction and operation of the project and provide context to the reader on the degree and intensity compared to regional, State or local goals and describe measures to avoid or minimize GHGs.

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title of 2nd Action Alternative

Potential Impacts

Address impacts associated with construction, repair, renovation, and/or demolition. Also describe the impacts that would occur during normal activities, such as operation and maintenance of the facility, or a directly related action. Include the methods used to estimate emissions and/or refer reader to an appendix for more detailed information if necessary.

General Conformity

Insert general conformity analysis results here, if applicable. State whether a conformity evaluation was required. If emissions were de minimis, state that a record of non-applicability was prepared and is included in Appendix XX. If emissions were above the de minimis thresholds, then summarize the conformity evaluation results here and include the evaluation as an appendix.

Greenhouse Gases

Describe the amounts of GHGs or CO2e from construction and operation of the project and provide context to the reader on the degree and intensity compared to regional, State or local goals and describe measures to avoid or minimize GHGs.

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

### Mitigation Measures

Discuss only true mitigation measures in this paragraph. BMPs and SOPs are not mitigation and should not be included in the mitigation discussion. BMPs and SOPs are a part of the Proposed Action and action alternatives and should be discussed in the impacts analysis sections.

Mitigation measures include specific actions designed to reduce impacts, including bringing impacts below the level of significance. If mitigation is identified in the impacts analysis, it must be included in the composite table of mitigation measures.

Note that mitigation may be required for impacts that are not significant but are required under a permit or other regulatory condition.

## [Water Resources](#APZTP44" \o "Template Tip #44, Water Resources)

Wetlands have biological and water quality aspects. The approach to this resource in the Water Resources section should focus on the permitting and water quality aspects. Wildlife and vegetation should be addressed in Biological Resources. Similar approaches should be taken with vernal pools and other water features.

The sub-heading topics should be tailored to only those potentially affected.

This discussion of water resources includes groundwater, surface water, marine waters, wetlands, floodplains, and shorelines. This section also discusses the physical characteristics of marine waters, wetlands, etc.; wildlife and vegetation are addressed in Section 3.X, Biological Resources. Bathymetry and marine sediments are discussed in the Geological Resources section.

Groundwater is water that flows or seeps downward and saturates soil or rock, supplying springs and wells. Groundwater is used for water consumption, agricultural irrigation, and industrial applications. Groundwater properties are often described in terms of depth to aquifer, aquifer or well capacity, water quality, and surrounding geologic composition. Sole source aquifer designation provides limited protection of groundwater resources which serve as drinking water supplies.

Surface water resources generally consist of wetlands, lakes, rivers, and streams. Surface water is important for its contributions to the economic, ecological, recreational, and human health of a community or locale. A Total Maximum Daily Load (TMDL) is the maximum amount of a substance that can be assimilated by a water body without causing impairment. A water body can be deemed impaired if water quality analyses conclude that exceedances of water quality standards occur.

Marine waters typically include estuaries, waters seaward of the historic height of tidal influence, and offshore high salinity waters. Marine water quality should be described as the chemical and physical composition of the water as affected by natural conditions and human activities. Additionally, marine waters may include an area within a National Marine Sanctuary requiring an action proponent to avoid adverse water quality impacts in order to prevent damage to resources within the sanctuary.

Wetlands are jointly defined by USEPA and USACE as “those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.” The CWA has now been interpreted to extend only to those wetlands that are “as a practical matter indistinguishable from waters of the United States.”

Floodplains are areas of low-level ground present along rivers, stream channels, large wetlands, or coastal waters. Floodplain ecosystem functions include natural moderation of floods, flood storage and conveyance, groundwater recharge, and nutrient cycling. Floodplains also help to maintain water quality and are often home to a diverse array of plants and animals. In their natural vegetated state, floodplains slow the rate at which the incoming overland flow reaches the main water body. Floodplain boundaries are most often defined in terms of frequency of inundation, that is, the 100-year and 500-year flood. Floodplain delineation maps are produced by the Federal Emergency Management Agency and provide a basis for comparing the locale of the Proposed Action to the floodplains.

Shorelines can be located along marine waters, brackish estuaries, or freshwater bodies. Physical dynamics of shorelines include tidal influences, channel movement and hydrological systems, flooding or storm surge areas, erosion and sedimentation, water quality and temperature, presence of nutrients and pathogens, and sites with potential for protection or restoration. Shoreline ecosystems are vital habitat for multiple life stages of many fish, birds, reptiles, amphibians, and invertebrates. Different shore zones provide different kinds and levels of habitat, and when aggregated, can significantly influence life. Organic matter that is washed onto the shore, or “wrack,” is an important component of shoreline ecosystems, providing habitat for invertebrates, and nutrients to upland terrestrial communities and aquatic ecosystems.

### Regulatory Setting

Tailor the regulatory setting as applicable.

Groundwater is protected through many federal laws that control and limit pollution into groundwater. These include but are not limited to: the Safe Drinking Water Act (SDWA) (42 U.S.C. section 300f et seq.); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. 9601 et seq.); Resource Conservation and Recovery Act (RCRA) (42 U.S.C. section 6901 et seq.); and Clean Water Act (CWA) (33 U.S.C. section 1251 et seq.). Groundwater is also regulated by a combination of appropriation systems, pollution statutes, and land ownership rights that vary by state. Though groundwater is often connected to surface water, most states regulate surface water and groundwater separately.

The SDWA is the federal law that protects public drinking water supplies throughout the nation. Under the SDWA, the USEPA sets standards for drinking water quality. Groundwater quality and quantity are regulated under several statutes and regulations, including the SDWA.

Through the National Pollutant Discharge Elimination System (NPDES) program, the CWA establishes federal limits on the amounts of specific pollutants that can be discharged into surface waters. The NPDES program regulates the discharge of point (i.e., end of pipe) and nonpoint sources (i.e., stormwater) of water pollution. Most states are authorized to administer NPDES permit programs. There are two types of NPDES permits: Individual and General. Individual permits are specifically tailored to an individual facility based on the type of activity, nature of the discharge and receiving water quality.

Construction site operators engaged in clearing, grading, and excavating activities that disturb one acre or more can obtain a NPDES Construction General Permit for stormwater discharges with development of a Stormwater Pollution Prevention Plan (SWPPP) and when other conditions are met.

The USACE regulates the discharge of dredge or fill material into “waters of the United States” (WOTUS), including wetlands, under Section 404 of the CWA. Section 404 of the CWA authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits for the discharge of dredge or fill material into wetlands and other WOTUS. Waters of the United States may include (1) the territorial seas and traditional navigable waters, (2) tributaries, (3) certain lakes ponds, and impoundments, and (4) adjacent wetlands, and are regulated by USEPA and the USACE.

Section 10 of the Rivers and Harbors Act (33 U.S.C. section 401 et seq.) provides for USACE permitting for any in-water construction in navigable waters. States may also require a permit for any in-water construction.

The National Wild and Scenic Rivers System preserves certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations.

The Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C. section 1451 et seq.) provides assistance to states, in cooperation with federal and local agencies, for developing land and water use programs in coastal zones. Actions occurring within the coastal zone commonly have several resource areas that may be relevant to the CZMA. The CZMA regulatory setting discussion is discussed in Section 3.6.X.

Executive Order 11990, Protection of Wetlands, requires that federal agencies adopt a policy to avoid, to the extent possible, long- and short-term adverse impacts associated with destruction and modification of wetlands and to avoid the direct and indirect support of new construction in wetlands whenever there is a practicable alternative.

Executive Order 11988, Floodplain Management, requires federal agencies to avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development unless it is the only practicable alternative. Flood potential of a site is usually determined by the 100-year floodplain, which is defined as the area that has a one percent chance of inundation by a flood event in a given year.

Executive Order 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input, amends Executive Order 11988 and establishes the Federal Flood Risk Management Standard to improve the nation’s resilience to current and future flood risks, which are anticipated to increase over time due to the effects of climate change and other threats.

### Affected Environment

The following discussions provide a description of the existing conditions for each of the categories under water quality resources at [insert name of facility or action].

#### [Groundwater](#APZTP81" \o "Template Tip #81, Groundwater Resources)

#### Surface Water

#### Marine Waters

#### Wetlands

#### Floodplains

#### Shorelines

### Environmental Consequences

In this [EA or EIS], the analysis of water resources looks at the potential impacts on groundwater, surface water, marine waters, wetlands, floodplains and shorelines.

Groundwater analysis should focus on the potential for impacts to the quality, quantity, and accessibility of the water. The analysis of surface water quality considers the potential for impacts that may change the water quality, including both improvements and degradation of current water quality. Note: treatment and discharge of wastewater, including chemicals within that wastewater, and effects on receiving water bodies or aquifers should be addressed in the analysis.

Marine waters analysis should include potential changes to physical and chemical characteristics.

The impact assessment of wetlands should consider the potential for impacts that may change the local hydrology, soils, or vegetation that support a wetland.

The analysis of floodplains should consider if any new construction is proposed within a floodplain or may impede the functions of floodplains in conveying floodwaters.

The analysis of shorelines should consider if the Proposed Action will affect shoreline ecological functions such as channel movement and hydrological systems, flooding or storm surge areas, areas of erosion and sedimentation, water quality and temperature, presence of nutrients and pathogens, and sites with the potential for protection or restoration.

#### No Action Alternative

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title (Preferred Alternative) [Potential Impacts](#APZTP76" \o "Template Tip #76, Least Environmentally Damaging Practicable Alternative)

Address impacts associated with construction, repair, renovation, and/or demolition. Also describe the impacts that would occur during normal activities, such as training, testing, operation and maintenance of the facility, or a directly related action.

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title of 2nd Action Alternative Potential Impacts

Add a short statement regarding implementing the 2nd Action Alternative.

Address impacts associated with construction, repair, renovation, and/or demolition. Also describe the impacts that would occur during normal activities, such as training, testing, operation and maintenance of the facility, or a directly related action.

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

###  Mitigation Measures

Discuss mitigation measures for Water Resources.

## Geological Resources

This discussion of geological resources includes topography, geology, and soils of a given area. Topography is typically described with respect to the elevation, slope, and surface features found within a given area. The geology of an area may include bedrock materials, mineral deposits, and fossil remains. The principal geological factors influencing the stability of structures are soil stability and seismic properties. Soil refers to unconsolidated earthen materials overlying bedrock or other parent material. Soil structure, elasticity, strength, shrink-swell potential, and erodibility determine the ability for the ground to support structures and facilities. Soils are typically described in terms of their type, slope, physical characteristics, and relative compatibility or limitations with regard to particular construction activities and types of land use. Farmland soils are addressed under Section 3.X, Land Use.

### Regulatory Setting

Describe regulatory setting where applicable.

### Affected Environment

The following discussions provide a description of the existing conditions for each of the categories under geological resources at [insert name of facility or action].

#### Topography

#### Geology

#### Soils

#### Bathymetry

#### Marine Sediments

### Environmental Consequences

Geological resources are analyzed in terms of drainage, erosion, prime farmland, land subsidence, beach stability and erosion, and seismic activity. The analysis of topography and soils focuses on the area of soils that would be disturbed, the potential for erosion of soils from construction areas, and the potential for eroded soils to become pollutants in downstream surface water during storm events. The analysis also examines potential impacts related to seismic events. BMPs are identified to minimize soil impacts and prevent or control pollutant releases into stormwater. The potentially affected environment for geological resources is limited to lands that would be disturbed by any proposed facility development or demolition.

#### No Action Alternative

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title (Preferred Alternative) Potential Impacts

Address impacts associated with construction, repair, renovation, and/or demolition. Also describe the impacts that would occur during normal activities, such as operation and maintenance of the facility, or a directly related action.

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title of 2nd Action Alternative Potential Impacts

Address impacts associated with construction, repair, renovation, and/or demolition. Also describe the impacts that would occur during normal activities, such as operation and maintenance of the facility, or a directly related action.

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

### Mitigation Measures

## [Cultural Resources](#APZTP68" \o "Template Tip #68 - Cultural Resources Additional Considerations)

Depending on the location and potential effects, projects with strong tribal interest should consider a separate resource section on tribal concerns. For some EISs, there is precedent for asking tribes to provide their viewpoints for inclusion verbatim in the document.

This discussion of cultural resources includes historic properties, architectural resources, archaeological resources, cultural items subject to the Native American Graves Protection and Repatriation Act, Indian sacred sites, and other properties of cultural significance.

### Regulatory Setting

Tailor regulatory setting to the affected resources.

Cultural resources are governed by federal laws and Executive Orders, including, but not limited to, the National Historic Preservation Act (NHPA) (16 U.S.C. 470 et seq.) and the Archeological and Historic Preservation Act (AHPA) (54 U.S.C. 312501-312508). For the purposes of this analysis, the term “cultural resource” refers to all resources of cultural importance protected by these Federal laws and Executive Orders applicable to projects and sites evaluated under the CHIPS Incentives Program.

NHPA is the nation’s primary historic preservation law, which defines the legal responsibilities of Federal agencies for the identification, management, and stewardship of historic properties. Section 106 requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. Through consultation with interested parties, the Federal agency identifies historic properties potentially affected by the undertaking, assesses effects, and seeks ways to avoid, minimize, or mitigate any adverse effects on historic properties.

AHPA requires that Federal agencies provide for the preservation of historical and archaeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of any alteration of the terrain caused as a result of any Federal action.

### [Affected Environment](#APZTP97" \o "Template Tip #97 - ICRMP Data)

In compliance with the NHPA, CPO will consult with regulators, Indian tribes and/or Native Hawaiian Organizations, and other interested parties to identify historic properties and other cultural resources that may be impacted by the Proposed Action. Per NHPA, historic properties are defined as any district, site, building, structure, or object listed in, or eligible for listing in, the National Register of Historic Places (NRHP). For the purposes of this analysis, historic properties can be divided into three major categories:

* Archaeological resources (prehistoric and historic) include the place or places where the remnants of a past culture survive in a physical context that allows for the interpretation of these material remains.
* Architectural resources include standing buildings, structures, landscapes, and other built-environment resources of historic or aesthetic significance.

Traditional cultural properties include properties associated with cultural practices and beliefs of a living community that are (a) rooted in the community’s history and (b) important to maintaining the continuing cultural identity of the community.

CPO or the applicant has conducted inventories of cultural resources at [name of facility or action] to identify historical properties that are listed or potentially eligible for listing in the NRHP [cite reference].

The area of potential effect (APE) for cultural resources is the geographic area or areas within which an undertaking (project, activity, program or practice) may cause changes in the character, visual setting, or use of any historic properties present. The APE is influenced by the scale and nature of the undertaking and may be different for various kinds of effects caused by the undertaking. For this Proposed Action, CPO determined that the APE includes [xxx acres] and includes an area defined as [xxxx].

#### Archaeological Resources

As appropriate, CPO consults with federally recognized Indian tribes on actions with the potential to significantly affect archaeological resources of interest or significance to Indian tribes.

Discuss any known archaeological resources present that may be of importance to Indian tribes in consultation with the installation.

CPO sent letters to the [xxxx] Tribe(s) on [date], describing the proposed undertaking, the potential effects to archaeological resources of potential interest, and requesting comments from the Tribe(s) on the undertaking.

Discuss any responses, or state that no responses were received.

#### Architectural Resources

#### [Resources of Importance to Tribes, Native Hawaiians, and Alaska Natives](#APZTP45" \o "Template Tip #45, Traditional Cultural Properties)

[Name of facility or action] was the subject of a traditional cultural properties study in [year] [cite reference], which identified [number] such properties in or near the site.

Discuss any known Traditional Cultural Properties present.

CPO consulted with federally recognized Indian tribes (or Native Hawaiian or Alaska Native Organizations) on actions with the potential to significantly affect protected tribal resources, tribal treaty rights, or Indian lands. The [Xxxx] Tribe(s) have Usual and Accustomed grounds and stations in the project area.

Briefly discuss relevant treaties. If multiple tribes have Usual and Accustomed grounds, briefly explain any overlap or primary/secondary issues.

### Environmental Consequences

Analysis of potential impacts to cultural resources considers both direct and indirect impacts. Direct impacts may be the result of physically altering, damaging, or destroying all or part of a resource, altering characteristics of the surrounding environment that contribute to the importance of the resource, introducing visual, atmospheric, or audible elements that are out of character for the period the resource represents (thereby altering the setting), or neglecting the resource to the extent that it deteriorates or is destroyed. Indirect effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

#### No Action Alternative

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title (Preferred Alternative) Potential Impacts

Add a short statement regarding implementing the Preferred Alternative.

Include a description of the APE for this action alternative if the APE is different than the APE defined above.

Address impacts associated with construction, repair, renovation, and/or demolition. Also describe the impacts that would occur during normal activities, such as operation and maintenance of the facility, or a directly related action.

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title of 2nd Action Alternative Potential Impacts

Include a description of the APE for this action alternative if the APE is different than the APE defined above.

Address impacts associated with construction, repair, renovation, and/or demolition. Also describe the impacts that would occur during normal activities, such as operation and maintenance of the facility, or a directly related action.

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

### Mitigation Measures

## [Biological Resources](#APZTP46" \o "Template Tip #46, Remove Hyperlink After Use)

Environmental planners should use their best professional judgment when preparing this section and add or delete sub-sections, as appropriate, in order to focus the document on the pertinent issues.

Biological resources include living, native, or naturalized plant and animal species and the habitats within which they occur. Plant associations are referred to generally as vegetation, and animal species are referred to generally as wildlife. Habitat can be defined as the resources and conditions present in an area that support a plant or animal.

Within this EA, biological resources are divided into four major categories: (1) terrestrial vegetation, (2) terrestrial wildlife, (3) marine vegetation, and (4) marine wildlife. Threatened, endangered, and other special status species are discussed in their respective categories.

Vegetation includes terrestrial plant as well as freshwater aquatic communities and constituent plant species. Wildlife includes all animal species (i.e., insects and other invertebrates, freshwater fish, amphibians, reptiles, birds, and mammals) focusing on the species and habitat features of greatest importance or interest.

### [Regulatory Setting](#APZTP84" \o "Go To Template Tip #84 State Wildlife Action Plan)

Tailor this section as applicable

Special-status species, for the purposes of this assessment, are those species listed as threatened or endangered under the Endangered Species Act (ESA) (16 U.S.C. section 1531 et seq.) and species afforded federal protection under the Marine Mammal Protection Act (MMPA) (16 U.S.C. section 1361 et seq.) or the [Migratory Bird Treaty Act (MBTA](#APZTP104" \o "Go to Template Tip #104: MBTA Considerations)) (16 U.S.C. section 703 et seq.), Bald and Golden Eagle Protection Act (16 U.S.C. section 668 et seq.), or the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. section 1801 et seq.).

The purpose of the ESA is to conserve the ecosystems upon which threatened and endangered species depend and to conserve and recover listed species. Section 7 of the ESA requires action proponents to consult with the U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS) to ensure that their actions are not likely to jeopardize the continued existence of federally listed threatened and endangered species or result in the destruction or adverse modification of designated critical habitat.

All marine mammals are protected under the provisions of the MMPA. The MMPA prohibits any person or vessel from “taking” marine mammals in the United States or the high seas without authorization. The MMPA defines “take” to mean “to harass, hunt, capture, or kill or attempt to harass, hunt, capture, or kill any marine mammal.”

Birds, both migratory and most native-resident bird species, are protected under the MBTA, and their conservation by federal agencies is mandated by EO 13186 (Migratory Bird Conservation). Under the MBTA it is unlawful by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, [or] possess migratory birds or their nests or eggs at any time, unless permitted by regulation.

Bald and golden eagles are protected by the Bald and Golden Eagle Protection Act. This act prohibits anyone, without a permit issued by the Secretary of the Interior, from taking bald eagles, including their parts, nests, or eggs. The Act defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.”

The Magnuson-Stevens Fishery Conservation and Management Act provides for the conservation and management of the fisheries. Under the Act, essential fish habitat (EFH) consists of the waters and substrate needed by fish to spawn, breed, feed, or grow to maturity.

### [Affected Environment](#APZTP47" \o "Template Tip #47, Affected Environment)

The following discussions provide a description of the existing conditions for each of the categories under biological resources at [insert name of facility or action location]. Threatened and endangered species are discussed in each respective section below with a composite list applicable to the Proposed Action provided in Table 3-1.

#### Federal and State Protected Species

Endangered Species Act

Migratory Bird Treaty Act

Bald and Golden Eagle Protection Act

Marine Mammal Protection Act

Magnuson-Stevens Fishery Conservation and Management Act

State Protected Species

Table 3-1. Threatened and Endangered Species Known to Occur or Potentially Occurring in the ROI and Critical Habitat Present in ROI

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Common Name | Scientific Name | Federal Listing Status | State Listing Status | Critical Habitat Present? |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

Selections for Listing Status Column include: C = candidate species for federal ESA listing, FE = federal endangered, FT = federal threatened, NL = not listed, SE = State endangered, SSC = Species of Special Concern (State designation), ST = State threatened, SAT = Listed due to similarity of appearance to threatened species (These species are not biologically threatened or endangered and are not subject to ESA section 7 consultation.), X = present.

#### Terrestrial Vegetation

#### Terrestrial Wildlife

#### Marine Species

#### Invasive Species

### [Environmental Consequences](#APZTP57)

This analysis focuses on wildlife or vegetation types that are important to the function of the ecosystem or are protected under federal or state law or statute.

#### No Action Alternative

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title (Preferred Alternative) [Potential Impacts](#APZTP77" \o "Template Tip #77, Order of Biological Resources)

Environmental planners should include a discussion of any consultations and the respective conclusions within the environmental consequences section.

Include the NEPA determination of effects as well, as there may be an adverse effect per ESA which would not be significant under NEPA. It is important to make those determinations clear.

Address impacts associated with construction, repair, renovation, and/or demolition. Also describe the impacts that would occur during normal activities, such as operation and maintenance of the facility, or a directly related action.

Vegetation

Address impacts regarding vegetation.

Terrestrial Wildlife

Address impacts regarding terrestrial wildlife.

Marine Species

Address impacts regarding marine species.

[Threatened and Endangered Species](#APZTP58" \o "Template Tip #58, T&E Species Conclusion Paragraph)

List the number of federally and state-listed threatened and endangered species that are likely to occur within the study area of the Preferred Alternative (provide reference(s) as appropriate).

Describe short-term (construction) and long-term (operations) effects to each species.

Include appropriate regulatory conclusions.

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title of 2nd Action Alternative Potential Impacts

Address impacts associated with construction, repair, renovation, and/or demolition. Also describe the impacts that would occur during normal activities, such as operation and maintenance of the facility, or a directly related action.

Vegetation

Address impacts regarding vegetation.

Terrestrial Wildlife

Address impacts regarding terrestrial wildlife.

Marine Species

Address impacts regarding marine species.

Threatened and Endangered Species

Address impacts regarding threatened and endangered species.

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

### Mitigation Measures

## [Land Use](#APZTP48" \o "Template Tip #48, Land Use Affected Environment)

This discussion of land use includes current and planned uses and the regulations, policies, or zoning that may control the proposed land use. The term land use refers to real property classifications that indicate either natural conditions or the types of human activity occurring on a parcel. Two main objectives of land use planning are to ensure orderly growth and compatible uses among adjacent property parcels or areas. However, there is no nationally recognized convention or uniform terminology for describing land use categories. As a result, the meanings of various land use descriptions, labels, and definitions vary among jurisdictions.

Natural conditions of property can be described or categorized as unimproved, undeveloped, conservation or preservation area, and natural or scenic area. There is a wide variety of land use categories resulting from human activity. Descriptive terms often used include residential, commercial, industrial, agricultural, institutional, and recreational. Often changes in land use can be accompanied by changes to the visual landscape. To the extent land use affects visual resources, these effects will be addressed in this section.

Notes on visual resources: Visual resources include the natural and built features of the landscape visible from public views that contribute to an area’s visual quality. Visual perception is an important component of environmental quality that can be impacted through changes created by various projects. Environmental planners should consider that the location, design, and maintenance of a facility may adversely or positively affect the visual features of the landscape that are experienced by people. Environmental planners should be aware that this discussion may overlap with the cultural resources discussion. The author should review the CR language and avoid not merely repeating the CR discussion.

### Regulatory Setting

Describe relevant regulatory requirements. In many cases, land use descriptions are codified in installation master planning and local zoning laws.

Through the Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C. section 1451 et seq.), Congress established national policy to preserve, protect, develop, restore, or enhance resources in the coastal zone. This Act encourages coastal states to properly manage use of their coasts and coastal resources, prepare and implement coastal management programs, and provide for public and governmental participation in decisions affecting the coastal zone. To this end, CZMA imparts an obligation upon federal agencies whose actions or activities affect any land or water use or natural resource of the coastal zone to be carried out in a manner consistent to the maximum extent practicable with the enforceable policies of federally approved state coastal management programs. If the proposed federal activity affects coastal uses or resources beyond the boundaries of federal property (i.e., has spillover effects), the CZMA Section 307 federal consistency requirement applies.

The Farmland Protection Policy Act (FPPA) (7 U.S.C. 4201 et seq.) is intended to minimize the impact Federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land.

### Affected Environment

The following discussions provide a description of the existing conditions for each of the categories under land use resources at [insert name of facility or action].

The Land Use section should focus discussion of both on- and off-property land uses. Include discussion of adjacent uses (public and private, industrial, commercial, residential, recreational, etc.) as necessary. As necessary, describe affected visual resources.

#### Land Use Compatibility

Describe applicable land use planning documents or regulations relevant to the proposed action.

### Environmental Consequences

The location and extent of a proposed action needs to be evaluated for its potential effects on a project site and adjacent land uses. Factors affecting a proposed action in terms of land use include its compatibility with on-site and adjacent land uses, restrictions on public access to land, or change in an existing land use that is valued by the community. Other considerations are given to proximity to a proposed action, the duration of a proposed activity, and its permanence.

#### No Action Alternative

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title (Preferred Alternative) Potential Impacts

Address impacts associated with construction, repair, renovation, and/or demolition. Also describe the impacts that would occur during normal activities, such as operation and maintenance of the facility, or a directly related action. Describe effects to visual resources as applicable.

Prepare the CZMA discussion of the effects test and enter the appropriate CZMA conclusion.

Prepare the FPPA discussion of the effects test and enter the appropriate FPPA conclusion.

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title of 2nd Action Alternative Potential Impacts

Address impacts associated with construction, repair, renovation, and/or demolition. Also describe the impacts that would occur during normal activities, such as operation and maintenance of the facility, or a directly related action. Describe effects to visual resources as applicable.

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

### Mitigation Measures

## [Noise](#APZTP50" \o "Template Tip #50, Noise)

Environmental planners should use their best professional judgment when preparing this section and add or delete sub-sections as appropriate in order to focus the document on the pertinent issues.

This template is based upon the Proposed Action associated with demolition, construction, repair and renovation, and normal daily facility operation. Depending upon the location of the Proposed Action, the environmental planner must adapt the following language to suit local conditions.

This discussion of noise includes the types or sources of noise and the associated sensitive receptors in the human environment. Noise in relation to biological resources and wildlife species is discussed in the Biological Resources section.

Sound is a physical phenomenon consisting of minute vibrations that travel through a medium, such as air or water, and are sensed by the human ear. Sound is all around us. The perception and evaluation of sound involves three basic physical characteristics:

* Intensity – the acoustic energy, which is expressed in terms of sound pressure, in decibels (dB)
* Frequency – the number of cycles per second the air vibrates, in Hertz (Hz)

Duration – the length of time the sound can be detected

Noise is defined as unwanted or annoying sound that interferes with or disrupts normal human activities. Although continuous and extended exposure to high noise levels (e.g., through occupational exposure) can cause hearing loss, the principal human response to noise is annoyance (see Appendix X, Noise). The response of different individuals to similar noise events is diverse and is influenced by the type of noise, perceived importance of the noise, its appropriateness in the setting, time of day, type of activity during which the noise occurs, and sensitivity of the individual. In-depth background information on noise, including its effect on many facets of the environment, is provided in Appendix X, Noise.

An extensive amount of research has been conducted regarding noise effects, including annoyance, speech interference, classroom/learning interference, sleep disturbance, effects on recreation, potential hearing loss, and nonauditory health effects.

### Regulatory Setting

Describe relevant local or State regulations or ordinances.

### Affected Environment

Many components may generate noise and warrant analysis as contributors to the total noise impact. The federal government supports conditions free from noise that threaten human health and welfare and the environment. Response to noise varies, depending on the type and characteristics of the noise, distance between the noise source and whoever hears it (the receptor), receptor sensitivity, and time of day. A noise sensitive receptor is defined as a land use where people involved in indoor or outdoor activities may be subject to stress or considerable interference from noise. Such locations or facilities often include residential dwellings, hospitals, nursing homes, educational facilities, and libraries. Sensitive receptors may also include noise-sensitive cultural practices, some domestic animals, or certain wildlife species. The nearest sensitive receptors are [xxxx], which are located approximately [xxxx] from the project site. Potentially noise-sensitive wildlife species are discussed in Section [xxxx].

#### Basics of Sound and Human Hearing

The loudest sounds that can be comfortably heard by the human ear have intensities a trillion times higher than those of sounds barely heard. Because of this vast range, it is unwieldy to use a linear scale to represent the intensity of sound. As a result, a logarithmic unit known as the decibel (abbreviated dB) is used to represent the intensity of a sound, also referred to as the sound level. Normal speech has a sound level of approximately 60 dB. To mimic the human ear’s non-linear sensitivity and perception of different frequencies of sound, the spectral content is weighted. For example, environmental noise measurements are usually on an “A-weighted” scale, which places less weight on very low and very high frequencies in order to replicate human hearing sensitivity. A-weighting is a frequency-dependent adjustment of sound level used to approximate the natural range and sensitivity of the human auditory system.

#### Noise Environment

Discuss existing noise sources, including construction, traffic/transportation and stationary operating sources such as generators.

### Environmental Consequences

#### No Action Alternative

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title (Preferred Alternative) Potential Impacts

Address impacts associated with construction, repair, renovation, and/or demolition. Also describe the impacts that would occur during normal activities, such as operation and maintenance of the facility, or a directly related action.

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title of 2nd Action Alternative Potential Impacts

Address impacts associated with construction, repair, renovation, and/or demolition. Also describe the impacts that would occur during normal activities, such as training, testing, operation and maintenance of the facility, or a directly related action.

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

### Mitigation Measures

## Infrastructure

This section discusses infrastructure such as utilities (including drinking water production, storage, and distribution; wastewater collection treatment and disposal; storm water management, solid waste management, energy production, transmission, and distribution; and communications), and support facilities. Transportation systems and infrastructure are addressed separately in Section [X.XX].

### Regulatory Setting

Describe relevant local, State and federal regulations relating to infrastructure.

### Affected Environment

The following discussions provide a description of the existing conditions for each of the categories under infrastructure at [insert name of facility or action location].

#### Utilities

Potable Water

Industrial Water

Wastewater

Stormwater

Solid Waste Management

Energy

Communications

#### Facilities

### Environmental Consequences

This section analyzes the magnitude of anticipated increases or decreases in infrastructure demands considering historic levels, existing management practices, and storage capacity, and evaluates potential impacts to infrastructure associated with implementation of the alternatives. Impacts are evaluated by whether they would result in the use of a substantial proportion of the remaining system capacity, reach or exceed the current capacity of the system, or require development of facilities and sources beyond those existing or currently planned.

#### No Action Alternative

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title (Preferred Alternative) Potential Impacts

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title of 2nd Action Alternative Potential Impacts

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

### Mitigation Measures

## Transportation

This discussion of transportation includes air, land, and sea routes with the means of moving passengers and goods. A transportation system can consist of any or all of the following: roadways, bus routes, railways, subways, bikeways, trails, waterways, airports, and taxis, and can be looked at on a local or regional scale.

Traffic is commonly measured through average daily traffic and design capacity. These two measures are used to assign a roadway with a corresponding level of service (LOS). The LOS designation is a professional industry standard used to describe the operating conditions of a roadway segment or intersection. The LOS is defined on a scale of A to F that describes the range of operating conditions on a particular type of roadway facility. LOS A through LOS B indicates free flow travel. LOS C indicates stable traffic flow. LOS D indicates the beginning of traffic congestion. LOS E indicates the nearing of traffic breakdown conditions. LOS F indicates stop-and-go traffic conditions and represents unacceptable congestion and delay.

### Regulatory Setting

Describe the regulatory setting for transportation and traffic, including any state or local regulations or ordinances relating to the proposed action.

### Affected Environment

Describe existing conditions for transportation here.

### [Environmental Consequences](#APZTP79" \o "Template Tip #79, Transportation Analysis Topics)

Impacts to ground traffic and transportation are analyzed by considering the possible changes to existing traffic conditions and the capacity of area roadways from proposed increases in commuter and construction traffic.

Include a discussion of the project’s impacts on traffic and circulation, both during construction and after completion of the project (operational impacts). Include a discussion on changes in the Level of Service of roadways. The analysis may also include a travel time comparison (existing and modeled) expressed as time saved by comparing vehicle miles traveled and vehicle hours traveled.

This section should indicate if the project will improve or negatively affect traffic patterns for residents and businesses. Will bus/public transportation services be affected?

Based upon the elements of the Proposed Action, existing traffic and roadway conditions, and public interest, it may be necessary to conduct a quantitative traffic analysis within the EA or EIS. Normally this will require the preparation of a traffic study that would be included as an appendix to the environmental planning document.

#### No Action Alternative

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title (Preferred Alternative) Potential Impacts

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title of 2nd Action Alternative Potential Impacts

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

### Mitigation Measures

## Human Health and Safety

This discussion of human health and safety includes consideration for any activities, occurrences, or operations that have the potential to affect the safety, well-being, or health of workers and members of the public. A safe environment is one in which there is no, or optimally reduced, potential for death, serious bodily injury or illness, or property damage. The primary goal is to identify and prevent potential accidents or impacts on the general public. Human health and safety within this [EA or EIS] discusses information pertaining to community emergency services, construction activities, operations, and environmental health and safety risks to children.

Community emergency services are organizations which ensure public safety and health by addressing different emergencies. The three main emergency service functions include police, fire and rescue service, and emergency medical service.

Human health and safety during construction, demolition, and renovation activities is generally associated with construction traffic, as well as the safety of personnel within or adjacent to the construction zones.

Operational safety may refer to the actual use of the facility or built-out proposed project, and potential risks to inhabitants or users of adjacent or nearby land parcels.

Environmental health and safety risks to children are defined as those that are attributable to products or substances a child is likely to come into contact with or ingest, such as air, food, water, soil, and products that children use or to which they are exposed.

### Regulatory Setting

Add relevant Occupational Safety and Health Administration (OSHA) regulations, chemical handling and storage safety requirements, local or state safety ordinances, fire safety regulations, etc.

Executive Order 13045, *Protection of Children from Environmental Health Risks and Safety Risks*, requires federal agencies to “make it a high priority to identify and assess environmental health and safety risks that may disproportionately affect children and shall ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks.”

### Affected Environment

Describe affected environment with regard to occupational and human health and safety. This includes any existing safety procedures, protocols or safeguards in place. Also includes first response capabilities and resources.

### Environmental Consequences

The safety and environmental health analysis contained in the respective sections addresses issues related to the health and well-being of workers and members of the community in the vicinity of [insert name of facility or action area]. Specifically, this section provides information on hazards associated with [list the appropriate elements]. Additionally, this section addresses the environmental health and safety risks to children.

#### No Action Alternative

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title (Preferred Alternative) Potential Impacts

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title of 2nd Action Alternative Potential Impacts

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

### Mitigation Measures

## Hazardous Materials and Wastes

This section discusses hazardous materials, hazardous waste, toxic substances, and contaminated sites.

### Regulatory Setting

Hazardous materials are defined under 49 CFR § 171.8 as “hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in the Hazardous Materials Table, and materials that meet the defining criteria for hazard classes and divisions in 49 CFR part 173.” Transportation of hazardous materials is regulated by the U.S. Department of Transportation regulations.

Hazardous wastes are defined under Section 1004(5) of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901 et seq.), as: “a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may (A) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.”

Certain types of hazardous wastes are subject to special management provisions intended to ease the management burden and facilitate the recycling of such materials. These are called universal wastes and their associated regulatory requirements are specified under 40 CFR part 273. Four types of waste are currently covered under the universal waste regulations: hazardous waste batteries, hazardous waste pesticides that are either recalled or collected in waste pesticide collection programs, mercury containing equipment, and hazardous waste lamps, such as fluorescent light bulbs.

Special hazards are those substances that might pose a risk to human health and are addressed separately from other hazardous substances. Special hazards include asbestos-containing material (ACM), polychlorinated biphenyls (PCBs), and lead-based paint (LBP). USEPA is given authority to regulate special hazard substances by the Toxic Substances Control Act (TSCA) (15 U.S.C. sections 2601 et seq.). Asbestos is also regulated by USEPA under the Clean Air Act, and the Comprehensive Environmental Response, Compensation, and Liability Act.

### Affected Environment

#### Hazardous Materials

#### Hazardous Waste

#### Special Hazards (Asbestos Containing Materials, Lead Based Paint, Polychlorinated Biphenyls)

#### Contaminated Sites and Brownfields

### Environmental Consequences

#### No Action Alternative

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title (Preferred Alternative) Potential Impacts

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title of 2nd Action Alternative Potential Impacts

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

### Mitigation Measures

## [Socioeconomics](#APZTP82" \o "Template Tip #82, Socioeconomics)

The Socioeconomics section is set up to address the most commonly addressed socioeconomic issues in NEPA documents; however, it is recognized that on the project may not include all of these issues or may actually require the assessment of other socioeconomic issues. Authors should add or delete the specific issues as appropriate. Do not include excessive information on socioeconomic issues that are not pertinent to the impacts analysis. Examples of data that is often included that may not be necessary include housing or school-aged population. Other related issues to consider they should be included in the NEPA analysis include recreation, tourism, or industry.

This section discusses population demographics, employment characteristics, schools, housing occupancy status, economic activity, tax revenue and related data providing key insights into the socioeconomic conditions that might be affected by a proposed action.

### Regulatory Setting

Socioeconomic data shown in this section are presented at the U.S. Census Bureau Tract, Metropolitan Statistical Area, state, and national levels to characterize baseline socioeconomic conditions in the context of regional, state, and national trends. A Metropolitan Statistical Area is a geographic entity defined for use by federal statistical agencies based on the concept of a core urban area with a high degree of economic and social integration with surrounding communities. Data have been collected from previously published documents issued by federal, state, and local agencies and from state and national databases (e.g., U.S. Bureau of Economic Analysis’ Regional Economic Information System).

### Affected Environment

Discuss population, employment characteristics, schools, housing, economic activity, tax revenue or other relevant socioeconomic conditions potentially affected by the proposed action and alternatives.

### Environmental Consequences

#### No Action Alternative

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title (Preferred Alternative) Potential Impacts

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title of 2nd Action Alternative Potential Impacts

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

### Mitigation Measures

## Environmental Justice

USEPA defines Environmental Justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies (USEPA 2014).

### Regulatory Setting

Consistent with EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (February 11, 1994), and EO 14096, *Revitalizing our Nation’s Commitment to Environmental Justice for All*, CPO will identify and address any disproportionately high and adverse human health or environmental effects of its actions on minority and low-income populations.

### Affected Environment

Provide information and data on existing EJ communities and their proximity to the proposed action. Describe any existing health stressors or disproportionate environmental effects experienced by these populations.

### Environmental Consequences

This analysis focuses on the potential for a disproportionate and adverse exposure of specific off-base population groups to any potential adverse consequences.

#### No Action Alternative

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title (Preferred Alternative) Potential Impacts

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title of 2nd Action Alternative Potential Impacts

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

### Mitigation Measures

## Climate Change, Disaster Resiliency and Sustainability

### Regulatory Setting

### Affected Environment

### Environmental Consequences

#### No Action Alternative

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title (Preferred Alternative) Potential Impacts

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

#### Short Title of 2nd Action Alternative Potential Impacts

Describe the effects in terms of degree or intensity. Provide a summary conclusion statement of the impacts and their potential significance.

### Mitigation Measures

## [Summary of Potential Impacts to Resources and Impact Avoidance and Minimization](#APZTP56" \o "Template Tip 56: Mitigation Measures/Best Management Practices/Standard Operating Procedures)

A summary of the potential impacts associated with each of the action alternatives and the No Action Alternative is provided in Table 3-X. Impact avoidance and minimization measures are presented in Tables 3-X.

Table 3.X Summary of Potential Impacts to Resource Areas (note: list in order of importance)

|  |  |  |  |
| --- | --- | --- | --- |
| Resource Area | No Action Alternative | Name of 1st Action Alternative  | Name of 2nd Action Alternative |
| Air Quality |  |  |  |
| Water Resources |  |  |  |
| Geological Resources |  |  |  |
| Cultural Resources |  |  |  |
| Biological Resources |  |  |  |
| Land Use |  |  |  |
| Noise |  |  |  |
| Infrastructure |  |  |  |
| Transportation |  |  |  |
| Human Health and Safety |  |  |  |
| Hazardous Materials and Wastes |  |  |  |
| Socioeconomics |  |  |  |
| Environmental Justice |  |  |  |
| Climate Change, Resiliency and Sustainability |  |  |  |

Table 3-X. Impact Avoidance and Minimization Measures (Preferred Alternative)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Measure | Anticipated Benefit / Evaluating Effectiveness | Implementing and Monitoring | Responsibility | Estimated Completion Date |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
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Insert additional tables for impact avoidance and minimization measures for the other alternatives fully evaluated.

# Cumulative Impacts

This section: (1) defines cumulative impacts, (2) describes past, present, and reasonably foreseeable future actions relevant to cumulative impacts, (3) analyzes the incremental interaction the Proposed Action may have with other actions, and (4) evaluates cumulative impacts potentially resulting from these interactions.

Every EA or EIS should address cumulative effects.

If no cumulative effect is expected on a specific resource, the EA or EIS should state this and provide a supporting rationale.

For reference, on January 1, 1997, the CEQ released a handbook titled Considering Cumulative Effects under the National Environmental Policy Act, which applies to both EAs and EISs, available at http://www.epa.gov/compliance/resources/policies/nepa/cumulative.pdf. The handbook presents practical methods for addressing coincident effects (adverse or beneficial) on specific resources, ecosystems, and human communities of all related activities, not just the proposed project or alternatives that initiate the assessment process.

## [Definition of Cumulative Impacts](#APZTP60" \o "Template Tip #60, Cumulative Impacts)

The approach taken in the analysis of cumulative impacts follows the objectives of the NEPA, CEQ regulations and guidance. Cumulative impacts are defined under 40 CFR § 1508.7 as “the impact on the environment that results from the incremental impact of the action when added to the other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.”

To determine the scope of environmental impact analyses, federal agencies must consider cumulative actions, which when viewed with other Proposed Actions have cumulatively significant impacts and should therefore be discussed in the same impact analysis document.

In addition, CEQ and USEPA have published guidance addressing implementation of cumulative impact analyses—Guidance on the Consideration of Past Actions in Cumulative Effects Analysis (CEQ 2005) and Consideration of Cumulative Impacts in EPA Review of NEPA Documents (USEPA 1999). CEQ guidance entitled Considering Cumulative Impacts Under NEPA (1997) states that cumulative impact analyses should:

*“…determine the magnitude and significance of the environmental consequences of the Proposed Action in the context of the cumulative impacts of other past, present, and future actions...identify significant cumulative impacts…[and]…focus on truly meaningful impacts.”*

Cumulative impacts are most likely to arise when a relationship or synergism exists between a Proposed Action and other actions expected to occur in a similar location or during a similar time period. Actions overlapping with or in close proximity to the Proposed Action would be expected to have more potential for a relationship than those more geographically separated. Similarly, relatively concurrent actions would tend to offer a higher potential for cumulative impacts. To identify cumulative impacts, the analysis needs to address the following three fundamental questions.

* Does a relationship exist such that affected resource areas of the Proposed Action might interact with the affected resource areas of past, present, or reasonably foreseeable actions?
* If one or more of the affected resource areas of the Proposed Action and another action could be expected to interact, would the proposed action affect or be affected by impacts of the other action?
* If such a relationship exists, then does an assessment reveal any potentially significant impacts not identified when the Proposed Action is considered alone?

## Scope of Cumulative Impacts Analysis

Note: the analyses should be quantitative to the extent practicable and address relevant past, present, and future actions and trends that would overlap the proposed action in time or geographic area that would have notable effects – including those not under the control or influence of the applicant or CPO.

Establish the geographic scope and timeframe for the analysis. Also discuss any areas of concern identified during scoping.

The scope of the cumulative impacts analysis involves both the geographic extent of the effects and the time frame in which the effects could be expected to occur. For this [EA or EIS], the study area delimits the geographic extent of the cumulative impacts analysis. In general, the study area will include those areas previously identified in Chapter 3 for the respective resource areas. The time frame for cumulative impacts centers on the timing of the Proposed Action.

Another factor influencing the scope of cumulative impacts analysis involves identifying other actions to consider. Beyond determining that the geographic scope and time frame for the actions interrelate to the Proposed Action, the analysis employs the measure of “reasonably foreseeable” to include or exclude other actions. For the purposes of this analysis, public documents prepared by federal, state, and local government agencies form the primary sources of information regarding reasonably foreseeable actions. Documents used to identify other actions include notices of intent for EISs and EAs, management plans, land use plans, and other planning related studies.

## Past, Present, and Reasonably Foreseeable Actions

This section will focus on past, present, and reasonably foreseeable future projects at and near the Proposed Action locale. In determining which projects to include in the cumulative impacts analysis, a preliminary determination was made regarding the past, present, or reasonably foreseeable action. Specifically, using the first fundamental question included in Section 4.1, it was determined if a relationship exists such that the affected resource areas of the Proposed Action (included in this [EA or EIS]) might interact with the affected resource area of a past, present, or reasonably foreseeable action. Projects included in this analysis are listed in Table 4-X and briefly described in the following subsections.

Table 4-X. Cumulative Effects Evaluation.

|  |  |
| --- | --- |
| Past, Present, and Reasonably Foreseeable Future Actions or Trends | Affected resource area(s) or intersection of effects |
|  |  |
|  |  |
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|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

### Past Actions

Briefly describe past actions here that are included in the above table.

### Present and Reasonably Foreseeable Actions

Briefly describe present and reasonably foreseeable actions here that are included in the above table.

## Cumulative Impact Analysis

Where feasible, the cumulative impacts were assessed using quantifiable data; however, where quantifiable data were not available, a qualitative analysis was undertaken. In addition, where an analysis of potential environmental effects for future actions has not been completed, assumptions were made regarding cumulative impacts related to this [EA or EIS] where possible. The analytical methodology presented in Chapter 3, which was used to determine potential impacts to the various resources analyzed in this document, was also used to determine cumulative impacts.

In accordance with the CEQ cumulative effects handbook, for each relevant subject area below, evaluate the resources, ecosystems, and human communities in terms of their response to past, present and future actions (including capacity to withstand stresses). Define a baseline condition for each resource. Identify the important cause-and-effect relationships between human activities and resources, ecosystems, and human communities. Evaluate the magnitude and significance of cumulative effects, and discuss means to avoid, minimize, or mitigate effects. Where applicable, describe any plans to monitor cumulative effects and adaptively manage the project.

### Air Quality

Define ROI and discuss changes in air quality within ROI that have resulted from past, present, and future actions.

Describe effects of past, present, or reasonably foreseeable actions that might interact with the affected resource areas of the Proposed Action.

Provide a summary conclusion statement of the impacts on the resource and their potential significance.

### Water Resources

Define ROI and discuss changes in water resources within ROI that have resulted from past, present, and future actions.

Describe effects of past, present, or reasonably foreseeable actions that might interact with the affected resource areas of the Proposed Action.

Provide a summary conclusion statement of the impacts on the resource and their potential significance.

### Geological Resources

Define ROI and discuss changes in geological resources within ROI that have resulted from past, present, and future actions.

Describe effects of past, present, or reasonably foreseeable actions that might interact with the affected resource areas of the Proposed Action.

Provide a summary conclusion statement of the impacts on the resource and their potential significance.

### Cultural Resources

Define ROI and discuss changes in cultural resources (including archaeological resources, architectural resources, and traditional cultural properties) within ROI that have resulted from past, present, and future actions.

Describe effects of past, present, or reasonably foreseeable actions that might interact with the affected resource areas of the Proposed Action.

Provide a summary conclusion statement of the impacts on the resource and their potential significance.

### Biological Resources

Define ROI and discuss changes in biological resources within ROI that have resulted from past, present, and future actions.

Describe effects of past, present, or reasonably foreseeable actions that might interact with the affected resource areas of the Proposed Action.

Provide a summary conclusion statement of the impacts on the resource and their potential significance.

### Land Use

Define ROI and discuss changes in land use within ROI that have resulted from past, present, and future actions.

Describe effects of past, present, or reasonably foreseeable actions that might interact with the affected resource areas of the Proposed Action.

Provide a summary conclusion statement of the impacts on the resource and their potential significance.

### Noise

Define ROI and discuss changes in noise within ROI that have resulted from past, present, and future actions.

Describe effects of past, present, or reasonably foreseeable actions that might interact with the affected resource areas of the Proposed Action.

Provide a summary conclusion statement of the impacts on the resource and their potential significance.

### Infrastructure

Define ROI and discuss changes in infrastructure within ROI that have resulted from past, present, and future actions.

Describe effects of past, present, or reasonably foreseeable actions that might interact with the affected resource areas of the Proposed Action.

Provide a summary conclusion statement of the impacts on the resource and their potential significance.

### Transportation

Define ROI and discuss changes in transportation within ROI that have resulted from past, present, and future actions.

Describe effects of past, present, or reasonably foreseeable actions that might interact with the affected resource areas of the Proposed Action.

Provide a summary conclusion statement of the impacts on the resource and their potential significance.

### Human Health and Safety

Define ROI and discuss changes in human health and safety within ROI that have resulted from past, present, and future actions.

Describe effects of past, present, or reasonably foreseeable actions that might interact with the affected resource areas of the Proposed Action.

Provide a summary conclusion statement of the impacts on the resource and their potential significance.

### Hazardous Materials and Wastes

Define ROI and discuss changes in hazardous materials and wastes within ROI that have resulted from past, present, and future actions.

Describe effects of past, present, or reasonably foreseeable actions that might interact with the affected resource areas of the Proposed Action.

Provide a summary conclusion statement of the impacts on the resource and their potential significance.

### Socioeconomics

Define ROI and discuss changes in socioeconomics within ROI that have resulted from past, present, and future actions.

Describe effects of past, present, or reasonably foreseeable actions that might interact with the affected resource areas of the Proposed Action.

Provide a summary conclusion statement of the impacts on the resource and their potential significance.

### Environmental Justice

Define ROI and discuss changes in environmental justice within ROI that have resulted from past, present, and future actions.

Describe effects of past, present, or reasonably foreseeable actions that might interact with the affected resource populations of the Proposed Action.

Provide a summary conclusion statement of the impacts on populations and their potential significance.

### Climate Change, Resiliency and Sustainability

Define ROI and discuss changes in climate change, resiliency and sustainability within ROI that have resulted from past, present, and future actions.

Describe effects of past, present, or reasonably foreseeable actions that might interact with the affected resource areas of the Proposed Action.

Provide a summary conclusion statement of the impacts on the resource and their potential significance.

# Other Considerations Required by NEPA

## [Consistency with Other Federal, State, and Local Laws, Plans, Policies, and Regulations](#APZTP63" \o "Template Tip #63, Consistency with Policies and Regulations)

In accordance with 40 Code of Federal Regulations (CFR) § 1502.16(c), analysis of environmental consequences shall include discussion of possible conflicts between the Proposed Action and the objectives of federal, regional, State and local land use plans, policies, and controls. Table 5-1 identifies the principal federal and state laws and regulations that are applicable to the Proposed Action and describes briefly how compliance with these laws and regulations would be accomplished.

Note: if a law or Executive Order does not apply to the action, state this in the status column. If other relevant applicable laws or regulations are identified during the review process, please include them in the table.

Table 5-1. Principal Federal and State Laws Potentially Applicable to the Proposed Action

| Federal, State, Local, and Regional Land Use Authorities, Plans, and Policies | Status of Compliance |
| --- | --- |
| National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.); CEQ NEPA implementing regulations (40 CFR parts 1500-1508) |  |
| Clean Air Act (42 U.S.C. section 7401 et seq.) |  |
| Clean Water Act (33 U.S.C. section 1251 et seq.) |   |
| Safe Drinking Water Act (42 U.S.C. section 300f et seq.) |  |
|  |  |
| Coastal Zone Management Act (16 U.S.C. section 1451 et seq.) |  |
| National Historic Preservation Act (54 U.S.C. section 3001018 et seq.) |  |
| Endangered Species Act (16 U.S.C. section 1531 et seq.) |  |
| Migratory Bird Treaty Act (16 U.S.C. section 703 et seq.) |  |
| Bald and Golden Eagle Protection Act (16 U.S.C. section 668 et seq.) |  |
| Archeological and Historic Preservation Act (AHPA) (54 U.S.C. 312501-312508) |  |
| Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. section 9601 et seq.) |  |
| Emergency Planning and Community Right-to-Know Act (42 U.S.C. sections 11001 et seq.) |  |
| Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. section 136 et seq.) |  |
| Resource Conservation and Recovery Act (42 U.S.C. section 6901 et seq.) |  |
| Toxic Substances Control Act (15 U.S.C. sections 2601 et seq.) |  |
| Farmland Protection Policy Act (7 U.S.C. 4201 et seq.) |  |
| Executive Order 11988, Floodplain Management |  |
| Executive Order 11990 Protection of Wetlands |  |
| Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations |  |
| Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks |  |
| Executive Order 13112 Invasive Species |  |
| Executive Order 13175, Consultation and Coordination with Indian Tribal Governments |  |
| Executive Order 14096 Revitalizing our Nation’s Commitment to Environmental Justice for All |  |

## [Irreversible or Irretrievable Commitments of Federal Resources](#APZTP65" \o "Template Tip #65, Irreversible or Irretrievable Commitments of Resources) [EIS only]

Note: In the 2023 Fiscal Responsibility Act, language was revised to “Federal Resources” instead of simply ‘Resources’. Interpretation of this change has not been provided yet by CEQ.

Resources that are irreversibly or irretrievably committed to a project are those that are used on a long-term or permanent basis. This includes the use of non-renewable resources such as metal and fuel, and natural or cultural resources or acquisition of land that irreversibly alters its characteristics or usefulness for other public purposes. These resources are irretrievable in that they would be used for this project when they could have been used for other purposes. Human labor is also considered an irretrievable resource. Another impact that falls under this category is the unavoidable destruction of natural resources that could limit the range of potential uses of that particular environment.

Implementation of the Proposed Action would involve [xxxx].

Provide a summary conclusion statement of the impacts on the resource(s) and their potential significance.

## [Unavoidable Adverse Impacts](#APZTP66" \o "Template Tip #66, Unavoidable Adverse Impacts) [EIS only]

Describe any unavoidable adverse impacts.

## Relationship between Short-Term Use of the Environment and Long-Term Productivity [EIS only]

NEPA requires an analysis of the relationship between a project’s short-term impacts on the environment and the effects that these impacts may have on the maintenance and enhancement of the long-term productivity of the affected environment. Impacts that narrow the range of beneficial uses of the environment are of particular concern. This refers to the possibility that choosing one development site reduces future flexibility in pursuing other options, or that using a parcel of land or other resources often eliminates the possibility of other uses at that site.

Describe any possible trade-offs between short-term use of environmental resources and the effect on long-term productivity.

# [References](#APZTP69" \o "Template Tip #69 References)

Reference entries should be input using the latest edition of American Psychological Association (APA) style. A handy guide is available at <https://apastyle.apa.org/instructional-aids/reference-examples.pdf>

References should be listed alphabetically for the entire document, not by sections.

Draft reports or technical studies should not be used as references in an environmental planning document. However, Draft Environmental Impact Statements that have been published and made available publicly may be cited. Use references that are dependable. Source only trusted sites (government sources or peer-reviewed literature are best) and confirm the validity of any questionable information. Make every effort to ensure cited references are accessible by the public and not behind a pay wall.

When using sourced data from other material (e.g., a previously written EA or EIS), the writer must have accessibility to that reference from which the sourced data is taken. If the original reference cannot be located, the author should look for other data from an accessible source.

Do not cite references that are not available for inclusion in the Administrative Record.

Note that electronic copies of all cited references in the document must be turned over to the CHIPS Program Office for the administrative record prior to public release of the draft or final versions of the NEPA document. For website references, this would be a screenshot or other electronic version of the relevant parts of the website on the date it was accessed.

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# [List of Preparers](#APZTP70" \o "Template Tip #70, List of Preparers)

This [EA or EIS] was prepared collaboratively between the Department of Commerce and the applicant.

U.S. Department of Commerce

Applicant and/or Contractors

Name, Certification/Registration (Company)

Education

Years of Experience:

Section(s) person is responsible for

Name, Certification/Registration (Company)

Education

Years of Experience:

Section(s) person is responsible for

Name, Certification/Registration (Company)

Education

Years of Experience:

Section(s) person is responsible for

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# Distribution List

This EIS was distributed to the following agencies/people: (List the names, titles, and addresses of all persons representing federal, state, and local organizations in their official capacity. For private citizens not representing an agency or organization, include only names so that personally identifiable information (PII) is protected. The action proponent should maintain a master distribution list with all addresses of individuals that are not made public.)

***TEMPLATE TIP #68 −* List of Preparers**

The list of preparers is normally presented in a distinct order with action proponent personnel listed first, members of any cooperating agencies listed next, followed by participants from the service provider, and then the contractor personnel.

A typical entry example is provided on this page.

Federal Agencies

State Agencies

Other Organizations

Private Citizens

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Appendix A
[Air Quality Methodology and Calculations](#APZTP98" \o "Template Tip 98: Data Sets in Appendices)

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Appendix B
[Endangered Species Act Documentation](#APZTP72" \o "Template Tip #72, Endangered Species Act Documentation)

Appendix C
[Water Resources Documentation](#APZTP73" \o "Template Tip #73, MMPA Documentation)

Appendix D
[National Historic Preservation Act Section 106 Documentation](#APZTP74" \o "Template Tip #74, NHPA Section 106 Information)

Appendix E
Tribal Government-to-Government Documentation

If available, include signed MOA(s).

Letters and meeting summaries/notes shall be maintained in the AR, but not included in the EA.

Appendix F
Coastal Consistency Determination

Insert the Coastal Consistency Determination here.

Appendix G
Public and Agency Participation

For EISs include all relevant Public Involvement documents.

For EAs that are released for public review, the public comments are normally addressed in the FONSI. However, other material listed above should be included in Appendix G.

Agency Correspondence

Public Comments and responses

Appendix H
Placeholder Appendix

This appendix is provided as a placeholder should an additional appendix be needed. If not, this should be deleted.