



Executive Director's Recommendation

Commission Meeting: May 4, 2017

PROJECT Increasing Effectiveness and Efficiency: Revised <i>Submission Guidelines</i> and <i>Environmental Policies and Procedures</i> National Capital Region	NCPC FILE NUMBER 7744
	NCPC MAP FILE NUMBER 00.00()44491
SUBMITTED BY Staff of the National Capital Planning Commission	APPLICANT'S REQUEST Authorization to release the draft Submission Guidelines and Environmental Policies and Procedures for a 45-day public review and comment period.
REVIEW AUTHORITY 40 U.S.C. § 8711 (e)(2) and 8722(a); 42 U.S.C.4321 et. seq.; and 40 C.F.R. § 1505.1	PROPOSED ACTION Authorize as requested
	ACTION ITEM TYPE Staff Presentation

PROJECT SUMMARY

The National Capital Planning Commission (NCPC) is the federal government's planning agency for the National Capital Region. Its mission is to preserve and enhance the extraordinary historical, cultural, and natural resources and federal assets of the National Capital Region to support the needs of the federal government and enrich the lives of the region's visitors, workers, and residents. NCPC's plan and project review function is the predominant focus of the Commission's activities and is core to NCPC fulfilling its mission.

Agencies that are subject to plan and project review must submit development proposals to the Commission by following a process laid out in the Commission's *Submission Guidelines* ("the Guidelines"). These Guidelines describe the content of submissions, submission stages, along with the coordination and review process. The Guidelines are critical to the Commission's ability to carry out its planning and review authorities, but they have not been updated since October 3, 1991. As such, NCPC staff worked to identify opportunities to revise the Guidelines and increase their effectiveness.

The proposed Guidelines accomplish three primary objectives:

- 1) Create clear, accessible, and efficient guidelines that are responsive to applicant needs.
- 2) Align NCPC's review stages and NEPA requirements with those of applicant agencies to save time and money in the planning process; and
- 3) Allow staff to exempt from Commission review certain minor projects based on specific criteria where there is no federal interest.

This will result in several positive outcomes for those involved in the review process:

- 1) **Applicants:** the Guidelines are clear and easy-to-use. Clarification of the review stages and better alignment of NCPC's NEPA requirements with those of applicant agencies will allow applicants to make project improvements before more substantial commitments of time and resources have been made.
- 2) **Staff:** distinct review stages will help focus staff analysis, resulting in better guidance to the applicant and more informative recommendations to the Commission. The expanded list of potential review exceptions will also focus staff's review on projects with a federal interest.
- 3) **The Commission:** distinct review stages will allow the Commission to provide more substantive and meaningful guidance earlier in the review process.
- 4) **The Public:** the Guidelines provide an overview of NCPC's authorities and review process, allowing for a clearer understanding of NCPC's authorities and review process, and clarifying the appropriate level of public input at the relevant review stages.

Based on outreach to applicants and a detailed assessment of the existing guidelines, staff and the consultant have prepared revisions for Commission review and release for public comment. Following the public comment period, the Guidelines will be finalized with additional graphics and visual aids to improve accessibility and ease-of-use. A digital version will also be implemented in coordination with the new NCPC website format. This web format will provide an enhanced user experience and applicant interface.

In parallel with the Guidelines update, staff have also undertaken an update of NCPC's *Environmental Policies and Procedures* ("the Policies and Procedures"). These Policies and Procedures set forth the rules that NCPC and applicants follow to ensure compliance with the National Environmental Policy Act (NEPA). The update will increase the efficiency and effectiveness of NCPC's NEPA processes by clearly defining the roles of applicants; aligning the Commission's NEPA review schedule with federal agency applicants' internal project development schedules; and allowing the Commission to co-sign an applicant's decision-making document, rather than prepare another. Staff is also submitting the Policies and Procedures for Commission review and authorization to release for public comment along with the Guidelines.

The update of the Guidelines and Policies and Procedures are proceeding concurrently to ensure that they are coordinated, thereby improving the applicant experience and providing the Commission the information necessary to support its decision-making. Further, the recommendations respond to the Presidential Executive Order on a *Comprehensive Plan for Reorganizing the Executive Branch* by increasing the efficiency and effectiveness of the agency through an improved plan review process. NCPC staff have proactively identified opportunities to streamline procedures and realign activities that are more appropriately managed at the local

level. The two-part analysis that follows describes the proposed updates to both the Guidelines and the Policies and Procedures consistent with these goals.

KEY INFORMATION

- The Executive Director's Recommendation requests the Commission authorize a 45-day public comment period. During that time, two public meetings will be held. After the public comment period, staff will revise the *Submission Guidelines* and *Environmental Policies and Procedures* to reflect comments received and return to the Commission for final adoption.

Submission Guidelines

- The *Submission Guidelines* guide the plan and project review process by informing applicants of the information necessary to submit for a project, describing how and when NCPC staff and the Commission engage applicants, and outline the steps and questions staff and the Commission will ask at each stage of review.
- The *Submission Guidelines* were last updated on October 3, 1991.
- The proposed Guidelines accomplish three primary objectives:
 1. Create clear, accessible and efficient guidelines responsive to applicant needs.
 2. Align NCPC's review stages and NEPA requirements with those of applicant agencies to save time and money in the planning process.
 3. Allow staff to exempt from Commission review certain minor projects based on specific criteria where there is no federal interest.
- The updated Guidelines result in several positive outcomes for those involved in the review process:
 1. **Applicants** should find the Guidelines clear and easy-to-use. Clarification of the review stages and better alignment of NCPC's NEPA requirements with those of applicant agencies will allow applicants to make project improvements before more substantial commitments of time and resources have been made.
 2. **Staff** should provide better guidance to the applicant and more informative recommendations to the Commission. The expanded list of potential review exceptions will also focus staff's review on projects with a federal interest.
 3. **The Commission** will be able to provide more substantive and meaningful guidance earlier in the review process with distinct review stages.
 4. **The Public** will have a clearer understanding of NCPC's authorities and review process, clarifying the appropriate level of public input at the relevant review stages.

Environmental Policies and Procedures

- NCPC has an obligation to satisfy NEPA when approving projects.
- NEPA procedures are coordinated through the *Submission Guidelines* and the project review process.

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- Federal agencies must prepare and adopt their own NEPA guidance.
 - The *Environmental Policies and Procedures* were last updated on April 1, 2004.
 - Staff has worked with the Council on Environmental Quality (CEQ) to update NCPC's *Environmental Policies and Procedures*.
 - Unlike NEPA procedures, which are prepared by individual agencies, National Historic Preservation (NHPA) Section 106 (54 U.S.C. 306108) (Section 106) procedures are determined by the Advisory Council on Historic Preservation so they are not part of this update.
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RECOMMENDATION

The Commission:

Authorizes the release of the draft *Submission Guidelines* for a 45-day public comment period.

Authorizes the release of the draft *Environmental Policies and Procedures* for a 45-day public comment period.

PROJECT REVIEW TIMELINE

Previous actions	October 1991 – Last revision of the <i>Submission Guidelines</i> April 2004 – Last revision of the <i>Environmental Policies & Procedures</i>
Remaining actions (anticipated)	September 2017 – Final adoption of the <i>Submission Guidelines</i> September 2017 – Final adoption of the <i>Environmental Policies & Procedures</i>

PROJECT ANALYSIS

I. Executive Summary

Agencies that are subject to plan and project review must submit development proposals to the Commission by following a process laid out in the Commission's *Guidelines* ("the Guidelines"). These Guidelines describe the content of submissions, submission stages, along with the coordination and review process. The Guidelines are critical to the Commission's ability to carry out its planning and review authorities, but they have not been updated since October 3, 1991. As such, NCPC staff has engaged a consultant to prepare recommendations to update and streamline the Guidelines to ensure they are clear, consistent with agency policy and easily accessible to applicants. Based on outreach to applicants and a detailed assessment of the existing guidelines,

staff and the consultant have prepared revisions for Commission review and release for public comment.

In parallel with the Guidelines update, staff has also undertaken an update of NCPC's *Environmental Policies and Procedures*. These Policies and Procedures set forth the rules that NCPC and its applicants must follow to ensure compliance with NEPA. The purpose of the update is to increase the efficiency and effectiveness of NCPC's NEPA processes by clearly defining the roles of applicants; aligning the Commission's NEPA review schedule with federal agency applicant's internal project development schedules; and allowing the Commission to co-sign an applicant's Finding of No Significant Impact (FONSI) or Record of Decision (ROD) rather than prepare its own separate decision-making document. The proposed Policies and Procedures have also been reorganized into discrete sections and subsections addressing specific topic areas to render them more user friendly. In response to frequent types of submissions, new categorical exclusions (CATEXs) have been added to address solar panel arrays, green roofs, minor revisions to Capper-Cramton plans, and feasibility plans. The Commission may also adopt another agency's CATEX where appropriate. Finally, reference to detailed historic preservation procedures have been eliminated from the Policies and Procedures because, as noted above, NHPA Section 106 procedures are determined by the Advisory Council on Historic Preservation. The Policies and Procedures do retain references to coordination between NEPA and NHPA and consideration of historic resources in the NEPA process.

The update of the Guidelines and the Policies and Procedures are proceeding concurrently to ensure that they are coordinated, thereby improving the applicant experience and providing the Commission the information necessary to support its decision-making. Further, the recommendations respond to the Presidential Executive Order on a *Comprehensive Plan for Reorganizing the Executive Branch* by increasing the efficiency and effectiveness of the agency through an improved plan review process. NCPC staff have proactively identified opportunities to streamline procedures and realign activities that are more appropriately managed at the local level. As such, staff recommends the **Commission authorize the release of the draft *Submission Guidelines* for a 45-day public comment period and authorize the release of the draft *Environmental Policies and Procedures* for a 45-day public comment period.** During the public comment period, staff will coordinate outreach to a variety of stakeholders, including both applicant agencies and interested individuals, to solicit feedback. Two public meetings will also be scheduled during the comment period. Following the public review, staff will return to the Commission with revisions and request final adoption of both documents.

II. Analysis – Submission Guidelines

Over the past year, NCPC staff has been focused on improving the plan and project review process. One of the first steps included updating the Executive Director's Recommendation (EDR) format to make it more concise and accessible. Subsequently, staff began work with a consultant to evaluate and update the *Submission Guidelines*. Revising the Guidelines is another important step to make the review process clear, accessible and more efficient, leading to better planning outcomes for the Commission, applicants, staff and the public.

Several procedures and policies guide the work of the Commission. For example, the Commission by-laws govern how the Commission functions, including how voting occurs; the Standing Rules are similar to the by-laws and include rules related to the order of business; and the Public Participation and Open Meeting Policy guides how the NCPC takes public comment. Most importantly, the Commission's responsibilities are largely derived from several major acts, including the National Capital Planning Act, the Commemorative Works Act, and the Foreign Missions Act. Per these Acts, the Commission has responsibility to review and approve a wide range of projects. As a result, the Guidelines form the foundation of the plan and project review process. They are a critical tool of the Commission in fulfilling its review and approval responsibilities.

The analysis that follows provides a brief overview of the existing guidelines, describes the current issues and challenges, and outlines the staff and consultant findings and recommendations. The second half of the report describes the update of the Policies and Procedures. These procedures are required by federal law in compliance with the National Environmental Policy Act (NEPA) and apply to any project in which the Commission has an approval.

NCPC's current Guidelines have several components. They provide a general overview of the process, as well as outline the content of submissions for different project types. The Guidelines also describe the submission stages, and the coordination and review process that staff and applicants follow as a project is prepared for Commission action. However, the existing guidelines have a series of challenges. First, the guidelines have not been comprehensively updated since 1991. As such, NCPC staff believes this is an opportunity to evaluate their content, how they work, and improve user-friendliness. Further, the existing guidelines are not clear and well-organized, and this can lead to confusion about what may or may not apply to a project submission. This, in turn, requires additional staff and applicant time in explanation and coordination. Finally, the requirements for the different review stages are the same, and so the distinction between preliminary and final reviews is not clear or purposeful. Coordination with NEPA and Section 106 of the NHPA is directly related to this challenge.

A. Research and Analysis

The proposed revisions to the Submission Guidelines were informed by staff discussions, consultant research, development of an issues paper, and interviews with several applicant agencies. Upon project initiation, the consultant met with NCPC staff to discuss the positive aspects, challenges, and potential areas of improvement regarding the Guidelines. The consultant utilized that information to inform focus areas for research and the development of an issues paper. The consultant also researched the planning review processes for several cities, including the District of Columbia, San Francisco and New York City. Other research focused on federal agencies operating in the National Capital Region, including the US Commission of Fine Arts (CFA), the General Services Administration (GSA), the Department of Defense (DoD) and the National Park Service (NPS).

The consultant developed an issue paper that summarized the main issues of the current Guidelines and incorporated best practices from other planning jurisdictions. Following a review of the issue paper by NCPC staff and concurrence on the approach, two rounds of interviews with applicant agencies were held to inform the revised Guidelines. During the first round, four interviews were held with applicant agencies. The purpose of the interview was to request their input on the existing guidelines and understand opportunities for improvement from the applicant's perspective and to better understand applicant agencies' design and review processes. Participants included the District of Columbia Department of General Services, the GSA, NPS and DoD. A second round of interviews was later held to better understand the various stormwater requirements and the roles of the permitting agencies.

B. Objectives and Recommendations

Based upon staff review, consultant research and interviews, staff and the consultant team revised the Guidelines to meeting the following objectives:

Objective 1: Create clear, accessible and efficient guidelines that are responsive to applicant needs.

The Submission Guidelines must be clearly written, accessible, organized logically, and reflective of the Commission's needs. This will help applicants better navigate the Submission Guidelines and application process, thereby benefitting the Commission, applicants, and NCPC staff.

Recommendation:

The revised Guidelines include clear language and text, improved organization, and an introduction to guide applicants through the application process. The Guidelines navigate applicants through the application process steps, level of detail, and engagement with the Commission, NCPC staff, and public. Organizational elements support the text, including headings and subheadings, process graphics, tables, checklists, flowcharts, and appropriate terminology. Clear organization and process graphics provide a road map for both applicants and Commission staff regarding the submission process and Commission engagement, allowing for more meaningful input by all stakeholders into project development.

In addition, guidelines for different project types, including master plans, antennas and commemorative works, have been added to the document in clear and distinct chapters. Currently, guidelines for these varying project types are found in multiple documents, which can be difficult for applicants to find or use. Under the revised Guidelines, applicants may refer directly to individual chapters for particular project types. Finally, the varying review stages outline particular questions to be considered by the applicant to better align the application with NCPC plans and policies.

Objective 2: Align NCPC's review stages and NEPA requirements with those of applicant agencies to save time and money in the planning process.

In the current guidelines, the suggested review phase and NEPA requirements sometimes conflict. For example, the existing guidelines state that preliminary review should be conducted “after tentative design decisions are made but well before detailed design work begins, typically at the 20 to 25 percent project development stage.” However, the guidelines also require that the NEPA process be complete at this stage. Further, the preliminary review is occurring later in project development, limiting the Commission’s ability to provide input or request changes without costly and time-consuming revisions to the project.

In addition, the current guidelines require that the Section 106 process be “initiated” at the time of the preliminary review; it is more typical that the Section 106 process is completed prior to finalizing the NEPA process. These potential conflicts on current requirements at the preliminary review stage may be driving applicants to submit projects to the Commission later in the process, which consequently limits the Commission’s ability to influence projects.

The existing Guidelines require that preliminary submissions be made “well before detailed design work.” However, some of the information required is more consistent with projects in later stages of development, including stormwater management plans and final NEPA documents. The Guidelines also do not have different submission requirements for preliminary and final review. As such, the preliminary and final reviews are not necessarily serving different purposes. Therefore, an opportunity exists to clarify the purpose of the Commission’s review, to make sure that the submission requirements support that purpose, and to consider the requirements of permitting and applicant agencies at each stage of project review.

Recommendation:

The updated Guidelines include revisions to the stages of project review and the information requirements for each stage of review. The proposed realignment is consistent with the proposed revisions to NCPC’s *Environmental Policies and Procedures*, and better aligns with applicant agency processes. In addition, the purpose of the Commission’s review better matches the decision-making that occurs at the various NEPA stages. Most importantly, NEPA is no longer required to be complete at preliminary review. The revised review stages are described below:

Pre-Submission Briefing - NCPC staff and the applicant discuss the proposed project in advance of the submission. Potential issues and concerns are identified early, and the materials and level of detail necessary for the submission are discussed. The applicant may informally provide project information at this stage. The Pre-Submission Briefing is also an opportunity for the applicant and NCPC staff to discuss the environmental review and role of NCPC in that review, coordination with the Commission, and potential high-priority issues. This provides an opportunity for improving early consultation. Pre-Submission Briefings may not be formal meetings, but they simply require potential applicants and NCPC staff to discuss a project before it is submitted.

Concept Review – Concept review is typically necessary for complex or controversial projects, including commemorative works and other large development proposals. The concept review stage allows the Commission to provide input into the applicants’ NEPA

approach early, the range of project alternatives considered, and the general consistency of the alternatives with Commission policies. This review stage will help identify “red flags” as early as possible. The Commission may also highlight or prioritize particular issues, providing guidance to the applicant as the project progresses.

Preliminary Review – At preliminary review, the Commission reviews the applicant’s preferred alternative for consistency with adopted plans and policies, and evaluates bulk, mass, placement, parking, and height. If the applicant has not yet selected a preferred alternative, the Commission reviews the alternatives to assist the applicant in selecting a preferred alternative. The Preliminary Review will generally be the most in-depth and comprehensive review stage because it provides the best opportunity for the Commission to provide feedback on a project that has been developed to a reasonable degree of certainty but prior to the point where project decisions or direction are set, which limits the ability of the applicant to respond to Commission input.

Final Review – At final review, the Commission will confirm the modifications and improvements to the proposal since Preliminary Review. The Commission will evaluate how applicants have responded to previous comments and recommendations. Final plans will also include more detailed information regarding a variety of issues, including accessibility, landscape design, stormwater management and parking. NEPA and Section 106 compliance would be completed at this stage.

The updated Guidelines also realign the NEPA process to better support the review stages for commemorative works. Previously, site approval occurred in advance of the memorial design development and approval. Under the revised process, commemorative works will be reviewed at the concept level, first for site selection, and then for the memorial design within the proposed site. This will allow the Commission to consider both site and design in their decision-making process. At preliminary review, the Commission can then approve the site and design, with comments and recommendations to be addressed by final review. The NEPA process will occur in parallel to the review stages, culminating in a decision document at the time of final approval.

Objective 3: Allow staff to exempt from Commission review certain minor projects based on specific criteria where there is no federal interest.

Staff has added a series of review exceptions to the proposed guidelines. Projects that meet the exceptions would not require Commission review or approval. In general, these are smaller or non-controversial projects where there is generally no impact or no federal interest. New exceptions include street and alley closings outside the L’Enfant City, District projects outside the Central Area, and Zoning Commission referrals where there are no federal impacts. These new exemptions pertain to projects that involve only local interests. NCPC staff will review each project at the Pre-Submission Briefing to determine whether an exception may apply. An applicant cannot make this determination independently. The revised and expanded exceptions are intended to help focus Commission reviews on those projects for which there are important planning and design issues to be addressed related to the federal interest.

In addition, staff is also updating the project approvals that may be delegated to the Chairman or Executive Director. These generally include small or non-controversial projects that have been successfully resolved through agency coordination in advance of a formal submission. The delegations are internal operating procedures and therefore are not part of the Guidelines. However, because they are relevant to the review process, staff will bring the revised delegations to the Commission for a separate approval in the future. Staff proposes to clarify and consolidate the existing delegations, and add several new delegations. The delegations and other internal operating procedures are not subject to public comment prior to adoption.

C. Other Recommendations

Additional provisions have been added to ensure that Commission approvals remain in compliance with applicable legal requirements and retain the approved project features. First, the Guidelines include a five-year expiration on final approvals. The expiration helps to ensure that decisions remain relevant for projects that may take years to implement. Expirations help to ensure that site changes or new requirements are revisited if the project is not implemented within five years of the initial approval. Expiration of an approval would not, however, always require an applicant to start the review process again. If the project remains consistent with applicable policies and regulations, the Commission may choose to simply grant a new approval or extension. Currently, most projects do not have an approval expiration.

Secondly, more detailed guidance regarding substantial changes to project approvals has been included. The revised guidelines describe how changes to projects made after Commission review may be handled. They specifically highlight that if substantial changes are made following the Commission's Final Review, the applicant may need to come back to the Commission for an updated Final Review. Substantial change is defined as changes that result in changes to the site layout, intensity of development, changes to the location of access, site circulation plan or amount of parking provided, or changes to the building height. NCPC staff will work with applicants to help determine whether their project meets the definition of substantial change, but it is incumbent upon applicants to come back to NCPC if their projects result in any of the changes indicated.

D. Benefits to Users

The *Submission Guidelines* are utilized by a variety of stakeholders, and therefore the proposed revisions are expected to have a variety of benefits for each user group. For the Commission, the more distinct review stages should allow the Commission to provide more substantive and meaningful guidance earlier in the process. This will help direct applicants before projects are too far along to change. Aligning the NEPA compliance later in the review stages will also support this effort.

For applicants, the revised Guidelines should be clear and easy-to use. Clarifying the review stages and receiving Commission feedback earlier in the process should also allow applicants to adjust and improve their projects before more substantial commitments of time and resources have been made. In addition, the realignment of NEPA and Section 106 compliance will also allow the review process to better align with the applicant's internal design and review processes. For NCPC staff,

more distinct review stages will help focus staff analysis, and result in clearer recommendations to the Commission. Earlier Commission guidance provides better direction for staff when working with applicants.

Finally, for the public, the earlier review steps will allow for appropriate input at the relevant review stages, whether through the Commission meetings or through the NEPA and Section 106 public participation processes. Staff anticipates further discussion with the Commission regarding the Public Participation Policy in the near future.

III. Analysis – Environmental Policies and Procedures

As noted previously, the Commission's work is guided by environmental and historic preservation laws and regulations. NCPC has a responsibility to comply with both NEPA and Section 106 of the NHPA. Federal agencies must prepare their own NEPA procedures; in contrast, the Advisory Council on Historic Preservation establishes Section 106 procedures. NCPC staff has drafted revised NEPA procedures working in close cooperation with CEQ, and the revised NEPA procedures have been coordinated with the updated *Submission Guidelines*.

A. Issues and Challenges

NCPC adopted its current *Environmental Policies and Procedures* in 2004. While the current Policies and Procedures have been effective, they are now twelve years old and merit revision. The revisions clarify, simplify, streamline, and improve the efficiency and effectiveness of NCPC's compliance with NEPA.

1. Current Policies and Procedures lack a clear, organizational structure and overall clarity. The current Policies and Procedures are written in prose and individual sections are long and incorporate multiple topics. In addition, historic preservation policies and procedures are included unnecessarily, and they detract from the primary purpose of the document to convey legally-mandated NEPA policies and procedures.

Recommendation:

The updated Policies and Procedures delete detailed references to compliance with Section 106 of the NHPA. In adopting its current regulations, NCPC issued combined NEPA and the NHPA regulations to promote coordinated implementation. While this information was helpful, it resulted in the inclusion of legally unnecessary information in NCPC's current Policies and Procedures. Historic preservation regulations promulgated by the Advisory Council on Historic Preservation (ACHP) establish the processes and procedures all federal agencies must follow. Individual agencies do not need to adopt agency specific processes and procedures. While the proposed Policies and Procedures retain references to coordination between NEPA and NHPA and consideration of historic resources in the NEPA process, they delete detailed references to Section 106 consultation procedures. This significantly streamlines the document to focus on NCPC's NEPA policies and procedures.

The proposal subdivides the Policies and Procedures into parts and subparts that address individual topics. This clarifies the document, making it more effective and easier to navigate.

2. Current Policies and Procedures obscure the roles and responsibilities of applicants and NCPC. The existing Policies and Procedures do not effectively refer to the roles of federal and non-federal agency applicants. The document spreads information throughout various parts of the document; muddled in lengthy, narrative-style descriptions. Consequently, the requirements are not necessarily clear and have not always been followed.

Recommendation:

The new Policies and Procedures provide succinctly-defined roles and responsibilities of federal and non-federal agency applicants. The revised Policies and Procedures clearly enumerate: 1) definitions of federal and non-federal agency applicants; 2) the entity with responsibility for serving as lead agency; and 3) the roles and responsibilities of the lead and cooperating agencies.

As explained in the proposed Policies and Procedures, federal agency applicants include cabinet level departments and executive agencies such as GSA. Non-federal agency applicants include, without limitation, the Smithsonian Institution, the John F. Kennedy Center for the Performing Arts, the National Gallery of Art, the U.S. Institute of Peace, the Government of the District of Columbia, the Maryland National Capital Parks and Planning Commission, and private parties implementing projects on federal land.

Under the proposed Policies and Procedures, federal agency applicants serve as lead agency for projects they submit to the Commission. NCPC will serve as lead agency when the applicant is a non-federal agency. The revised Policies and Procedures describe options to address the relationship between NCPC and non-federal agencies in preparing NEPA documents. This may include entering into a programmatic or project-specific memorandum of understanding (MOU) which addresses roles and responsibilities, as well as project times and dispute resolution procedures. Further, NCPC may also request assistance from non-federal agencies when preparing a NEPA document, including funding. The non-federal agency applicant would participate in the procurement process.

In the past, non-federal agencies have frequently sought NCPC input and involvement in the NEPA process late in project development. As such non-federal applicants frequently had a clearly defined project with little consideration, development, and analysis of alternatives. When this occurred, NCPC frequently required non-federal applicants to step back and redefined and develop additional alternatives and refine aspects of the project NCPC deemed inconsistent with NEPA objectives. This resulted in unnecessary project delays, additional project and NEPA costs, and tension between the non-federal agency and NCPC. With NCPC assuming the lead, NCPC staff hopes to improve and streamline the NEPA process for non-federal applicants, reduce project and NEPA process costs, and create a more positive working relationship with its non-federal applicants. NCPC staff further hopes to achieve these aforementioned objectives primarily through

use of programmatic Memorandum of Understanding outlining the NEPA process to be used for each subsequent non-federal agency application.

3. Current Policies and Procedures submission requirements are inconsistent with applicants' project timelines. The current Policies and Procedures require applicant submission of 1) a final NEPA document and 2) either a completed Finding Of No Significant Impact (FONSI) or Record of Decision (ROD) at the time an of submission of an application for preliminary approval. This creates an unnecessary obligation on federal agency applicants to accelerate project development. It also reduces the ability of the Commission to effectively review projects at preliminary approval stage because project development is effectively complete.

Recommendation:

The revised Policies and Procedures alter the timing and sequencing of applicants' NEPA submissions. The proposed Policies and Procedures modify submission sequencing for applications governed by the Planning Act (40 U.S.C. 8722(b)(1) and (d)-(e)) and the Commemorative Works Act (40 U.S.C 8905(b)). Under the current Policies and Procedures, an applicant must complete the NEPA process at the time of preliminary review. Under the proposed Policies and Procedures, an applicant must complete its NEPA process at the time of final review. This revised approach allows the Commission an opportunity to provide meaningful input on a project when it is in the developmental phase. It also provides a NEPA sequencing schedule that is consistent with federal agency project schedules, eliminating undue burden on federal agency applicants to expedite their NEPA process.

4. Current Policy and Procedures contain outdated lists of Categorical Exclusions and Extraordinary Circumstances that are inconsistent with best practices. Several of NCPC's current categorical exclusions (CATEXs) relate to antiquated authorities for actions no longer undertaken by the Commission e.g., quieting title to submerged lands. Others are not necessary because the Commission's action does not require NEPA compliance as determined by the courts. Further, the current list of extraordinary circumstances does not provide adequate coverage for important resources.

Recommendation:

The lists of CATEXs and extraordinary circumstances has been updated and expanded. The proposed Policies and Procedures group CATEXs according to similar projects and activities. The proposal removes three exclusions based on old, antiquated authorities that have little to no relationship to NCPC's current review processes. To more effectively respond to prevailing submissions the list includes four additional CATEXs addressing solar panel arrays, green roofs, minor revisions to Capper-Cramton plans, and feasibility plans.

The proposed Policies and Procedures also increase the number of extraordinary circumstances. Thoroughly specifying the range of unique resource related conditions prevents the application of a CATEX for a project that might have a significant adverse impact. The new extraordinary circumstances better reflect those circumstances most frequently invoked by other federal agencies

and resource issues that are the subject of applicable federal, state and local laws and regulations and Executive Orders. The revised extraordinary circumstances also permit the application of a CATEX where potential impacts, such as those to historic resources, can be addressed through another process like Section 106 of the NHPA. This change may be particularly beneficial for non-federal applicants where potential projects impacts are typically related to historic buildings and sites, and where currently, an Environmental Assessment (EA) might otherwise be necessary.

5. Current Policies and Procedures fail to effectively streamline NCPC's NEPA process. CEQ strongly encourages agencies to streamline their NEPA processes using such techniques as Memorandum of Understanding; Programmatic Environmental Impact Statements; and coordinating final NEPA Documentation.

Recommendation:

Specify processes that streamline the NEPA process have been included. The proposed Policies and Procedures authorize NCPC to enter into Memoranda of Understanding with applicants to, among others, define roles and responsibilities; establish project timelines and schedules; and articulate a mechanism for resolving disputes. MOUs may apply to a particular project or programmatically apply a uniform approach, such as for a particular applicant.

The proposed Policies and Procedures authorize the use of a Programmatic Environmental Assessment (PEA) and a Programmatic Environmental Impact Statement (PEIS). These documents assess the impacts of proposed plans and projects when there is uncertainty regarding timing, location, and environmental impacts of subsequent implementation actions. Under the parameters of a PEA or a PEIS, the site or project-specific action will tier or conduct a narrower, decision-focused review when NCPC review commences.

The third primary revision authorizes NCPC to co-sign a lead agency's decision document (FONSI or ROD) if it finds the document to be adequate. Under current Policies and Procedures, NCPC is obligated to prepare its own decision document, resulting in overlapping, duplicative efforts and products.

6. Current Policies and Procedures fail to specify when NEPA documents require updating. NEPA documents are more likely to become outdated when long gaps occur between review stages or between final approval and return of an application for Commission review of subsequent revisions. During these gaps, environmental conditions may significantly change or the proposed project may undergo substantial change.

Recommendation:

Criteria have been established for determining when NEPA documents require updating. The proposed Policies and Procedures require lead agencies to review NEPA documents that are five or more years old. Documents of this age must be updated if: 1) the applicant proposes substantial

changes to the project; and 2) new circumstances or information affecting the project arises with the potential to affect the environment.

7. Current Policies and Procedures fail to address dispute resolution. The current Policies and Procedures do not address resolution of disputes over such matters as lead agency status; EA or EIS scope and content; mitigation measures; and FONSI or ROD content.

Recommendation:

Dispute resolution provisions have been incorporated into the proposed Policies and Procedures. One provision addresses disputes over lead agency status with a specification for CEQ involvement. A second provision addresses other dispute scenarios, specifying internal agency negotiation and mediation.

IV. Implementation of New Guidelines and Policies and Procedures

Following the 45-day public comment period, the public meetings, and individual applicant agency discussions, staff will revise the Submission Guidelines and Environmental Policies and Procedures as necessary for the Commission's Final Review. Upon Final Approval by the Commission, both the Guidelines and Policies and Procedures will take effect and apply to all project submissions moving forward. If an applicant has submitted a project that is still in the review process when the Guidelines and Policies take effect, the applicant may choose whether to follow the updated Guidelines and Policies or the previous ones.

CONFORMANCE TO EXISTING PLANS, POLICIES AND RELATED GUIDANCE

Comprehensive Plan for the National Capital

The Submission Guidelines and Environmental Policies and Procedures are necessary for evaluating development within the National Capital Region for consistency with the policies set forth in the Federal Elements of the *Comprehensive Plan*.

National Historic Preservation Act

NCPC has an obligation to satisfy the National Historic Preservation Act (NHPA) when approving projects. NHPA procedures are coordinated through the *Submission Guidelines* and the project review process. NHPA (Section 106) procedures are determined by the Advisory Council on Historic Preservation. An update to the Submission Guidelines does not sustain characteristics as a federal undertaking. The proposed revisions do not implement, contract, or take other actions that would preclude consideration of the full range of alternatives to avoid or minimize harm to federal historic properties. Consequently, the proposed action does not require review pursuant to the NHPA, Section 106 process.

National Environmental Policy Act

NCPC has an obligation to satisfy the National Environmental Policy Act (NEPA) when approving projects. NEPA procedures are coordinated through the *Submission Guidelines* and the project review process. Further, NCPC must prepare and adopt its own NEPA guidance (*Environmental Policies and Procedures*) which are subject to Council of Environmental Quality (CEQ) review and comment.

ONLINE REFERENCE

The following supporting documents for this project are available online:

- Draft Submission Guidelines
- Draft Environmental Policies and Procedures

POWERPOINT (ATTACHED)

Prepared by Matthew Flis and Anne Schuyler
04/26/2017

Increasing Effectiveness and Efficiency: Revised Submission Guidelines

National Capital Region

Staff of the National Capital Planning Commission

Authorization of 45 day public comment period

May 4, 2017

Benefits of the Submission Guideline Update:

- Contributes to the broader focus on creating an improved review process;
- Creates clear, accessible and streamlined guidelines; responsive to applicant needs;
- Creates positive planning outcomes; and
- A better experience for the Commission, applicants, staff and the public.

What Guides the Work of the Commission?

- Federal Laws, Regulations, Executive Orders
 - National Environmental Policy Act (NEPA)
 - National Historic Preservation Act (NHPA)
- Specific Authorities
 - The Planning Act
 - Foreign Mission Act
 - The Commemorative Works Act
 - The Zoning Act
- NCPC Policies, Procedures and Guidelines
 - Commission By Laws
 - Standing Rules
 - Public Participation and Open Meeting Policy
 - **Submission Guidelines**
 - **Environmental and Historic Preservation Policies and Procedures**

What are the Submission Guidelines?

- Inform applicants what information to submit for a project.
- Determine how and when NCPC staff and the Commission engage applicants.
- Include the questions staff and the Commission will ask at each stage of review.



Site Plans & Development Projects

Approved October 3, 1991

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Section 1- Introduction

A. Statutory Authority

Congress created the National Capital Planning Commission (Commission) to serve as the central federal agency for the unique concentration of federal activities and interests in the National Capital Region (Region). (Not Commission's principal responsibilities is to coordinate development activities of federal and District of the Region. These agencies must submit development proposals to the Commission under the following

1. Federal and District of Columbia Land Acquisition and Development Proposals (Note 2)

Section 5(a) of the National Capital Planning Act of 1952, as amended (40 U.S.C. 71d(a)) ("Plan Act") requires each federal and District of Columbia agency, prior to the preparation of construction plans, or the acquisition of land in the region, to consult with the Commission in its preliminary and successive

2. Federal Public Buildings in the District of Columbia (Note 2)

Section 16 of the Act of June 20, 1938, ("Zoning Act," D.C. Code Ann. Sec. 5 432 (1981)), requires the approval of the location, height, bulk, number of stories, and size of federal public buildings in the

[https://www.nopc.gov/nopc/Main\(T2\)/ProjectReview\(Tr2\)/ProjectReview\(Tr3\)/SubmissionGuidelines.html?sgpage=1](https://www.nopc.gov/nopc/Main(T2)/ProjectReview(Tr2)/ProjectReview(Tr3)/SubmissionGuidelines.html?sgpage=1)

Master Plans

Approved September 6, 1984 and amended November 7, 1985 and October 27, 1994

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Section 3 - Contents of Master Plan Submission

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Section 5 - Master Plan Coordination and Review Process

Section 6 - Time Period for Review

Section 7 - Presubmission Requirements

Section 8 - Amendments or Modifications to Master Plans

Section 9 - Review and Updating of Master Plans

Section 1 - Introduction

Section 5(a) of the National Capital Planning Act of 1952, as amended, (hereinafter "Planning Act"), provides that each Federal and District of Columbia agency prior to the preparation of construction plans originated by that agency for proposed developments and projects or to commitments for the acquisition of land, to be paid for in part from Federal or District funds, shall advise and consult with the National Capital Planning Commission (hereinafter "Commission") in the preparation of plans and programs in preliminary and final stages which affect the Comprehensive Plan for the National Capital.

A master plan is an integrated series of documents which present in graphic, narrative, and tabular form the composition of an installation and the plan for its orderly and comprehensive long-range development, covering a period of 20 years. The Commission has determined that an approved master plan is a required stage of planning prior to agency preparation and submission to the Commission of site and building plan individual projects. Master plans are necessary for installations on which more than one principal building or activity is located or is proposed to be located.

Ordinarily, the Commission will not approve, or recommend favorably on, project plans for an installation where there is no approved master plan unless the agency provides an explanation satisfactory to the Commission of the agency's reasons for not submitting a current master plan, or modification thereto, for the installation.

In accordance with Section 5(b) of the Planning Act, these requirements shall not apply to the Capitol grounds, the planning for structures within existing military, naval, or Air Force reservations erected by the Department of Defense during wartime or national emergency, except that the appropriate defense agency shall consult the Commission as to any developments which materially affect traffic or require coordinated planning of the areas.

These requirements are intended to be used in connection with proposed developments of the Federal Government of Columbia Governments, including civilian and military installations within the National Capital Region ("Region"), except as provided above. The Commission, as a policy, limits its review of District of Columbia matters of Federal interests.

The Executive Director of the Commission may extend, modify, or waive any requirement pertaining to the content of a master plan on sites where such requirements cannot be met because of the unique or special character or quality of the installation affected. Where such extension, modification, or waiver involves the content of the master plan that may reasonably be expected to address or involve potential significant off-site impacts,

[https://www.nopc.gov/nopc/Main\(T2\)/ProjectReview\(Tr2\)/ProjectReview\(Tr3\)/SubmissionGuidelines.html?sgpage=1](https://www.nopc.gov/nopc/Main(T2)/ProjectReview(Tr2)/ProjectReview(Tr3)/SubmissionGuidelines.html?sgpage=1)

Antennas

Approved January 7, 1988 and amended April 6, 1989; November 6, 1997; and August 2, 2001

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Section 7 - Renewal of Antenna Approvals

Section 8 - Specific Submission Requirements

Section 9 - Definitions

Appendix A - Comprehensive Plan Policies & Implementation Strategies

Background

In January of 1988, the Commission adopted "Guidelines and Submission Requirements for Antennas on Federal Property in the National Capital Region" (Antenna Guidelines) in accordance with the National Capital Planning Act of 1952 (as amended). The Antenna Guidelines were developed to address the aesthetic impact of various types of antennas on the skyline of the Nation's Capital.

In light of increasing concerns about the effects of transmitting antennas on health and safety, the Commission, in the Spring of 1994, created the Antenna Task Force. One of the purposes of the Task Force was to investigate the various visual, health and safety issues raised by the general public regarding the proliferation of antennas in the National Capital Region (NCR). The Commission's Antenna Task Force examined various issues, including: aesthetic concerns related to antennas; human health and safety effects associated with exposure to radiofrequency (RF) radiation; the cumulative visual and health effects of transmitting antennas; and the potential for new telecommunications technology to replace existing antennas.

As a result of its investigations, the Task Force recommended revisions to the Antenna Guidelines, which the Commission adopted on November 6, 1997. The 1997 revisions can be grouped into four categories: language to conform the Antenna Guidelines to existing Commission policy or federal legislation; wording to clarify which antennas do and do not require submission; language to clarify necessary materials to be included in each submission; and language detailing applicable RF standards with which antenna submissions should comply.

In the fall of 2000, the Commission decided to revisit the Antenna Guidelines again with the objective of updating the guidelines to be consistent with new regulations, and clarifying the review schedule, including an explanation of when regional referrals would be required. Also, new sections have been proposed to address the placement of commercial antennas on federal property, and to provide definitions for the terms used in the guidelines. The process for renewing Commission approval for antennas that are still needed has been simplified, and these proposed renewals are now eligible for approval by the Executive Director through the Commission's delegation of authority.

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Introduction

The Commission finds that antennas, as well as antenna support structures including monopoles, towers, equipment shelters and other structures, may adversely impact the landscape, skyline, and scenic character of the Nation's Capital, general appearance of federal facilities in the NCR, and health and welfare of federal employees, visitors to the Nation's Capital, and the Region's population.¹ Therefore, in order to minimize the visual impacts of such facilities and to protect the health and welfare of the public from potential adverse biological effects resulting from RF radiation from transmitting antennas, the Commission is providing the following Guidelines and Submission Requirements. The Guidelines are to be used by federal agencies in the NCR in the preparation and submission of plans for all antenna installations on federal property in the NCR.

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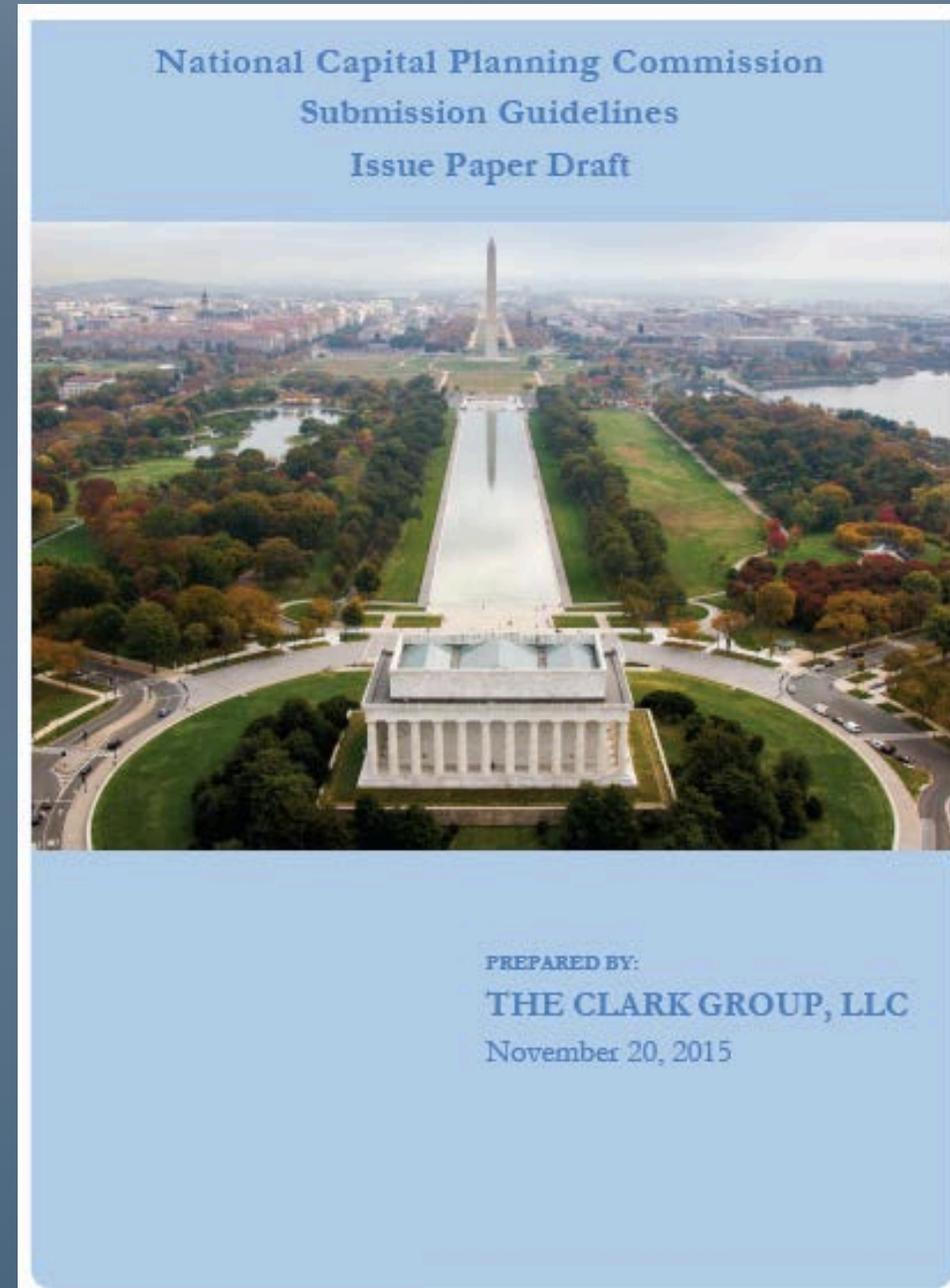
Section 1 - Review Authority

Prior to the installation of any antenna(s) on federal property in the NCR, except as noted in Section 5 below, federal agencies

[https://www.nopc.gov/nopc/Main\(T2\)/ProjectReview\(Tr2\)/ProjectReview\(Tr3\)/SubmissionGuidelines.html?sgpage=1](https://www.nopc.gov/nopc/Main(T2)/ProjectReview(Tr2)/ProjectReview(Tr3)/SubmissionGuidelines.html?sgpage=1)

Issue Paper and Interviews

- Staff Discussions and Research
- Issue Paper
- Interviews



Current Challenges

- Out-of-date (1991) and not aligned with current NCPC needs;
- Lack of organization & clarity;
- Review stage requirements are not distinct;
- Commission's review stages & applicant's project development not always aligned; and
- Lack of adequate coordination with other laws, policies and regulations, including NEPA and S106

Objectives

1. Create clear, accessible and efficient guidelines that respond to applicant needs.
2. Align NCPC review stages and NEPA requirements with those of applicant agencies to save time and resources in the planning process.
3. Allow staff to exempt from Commission review certain minor projects based on specific criteria where there is no federal interest.

Objective 1: Clear, accessible, and efficient guidelines

- Clear language and text; improved organization
- Visual aids – graphics, tables, checklists
- Guidelines organized around different project types
- Standardized Application Form

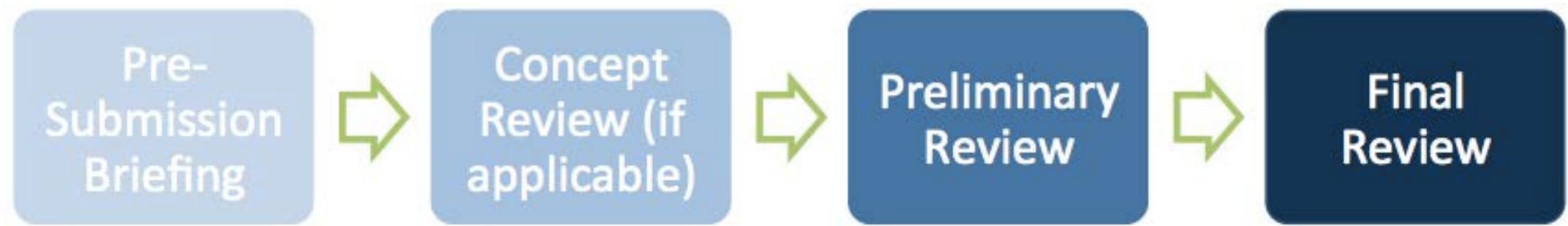
Submission Guidelines – PUBLIC REVIEW DRAFT

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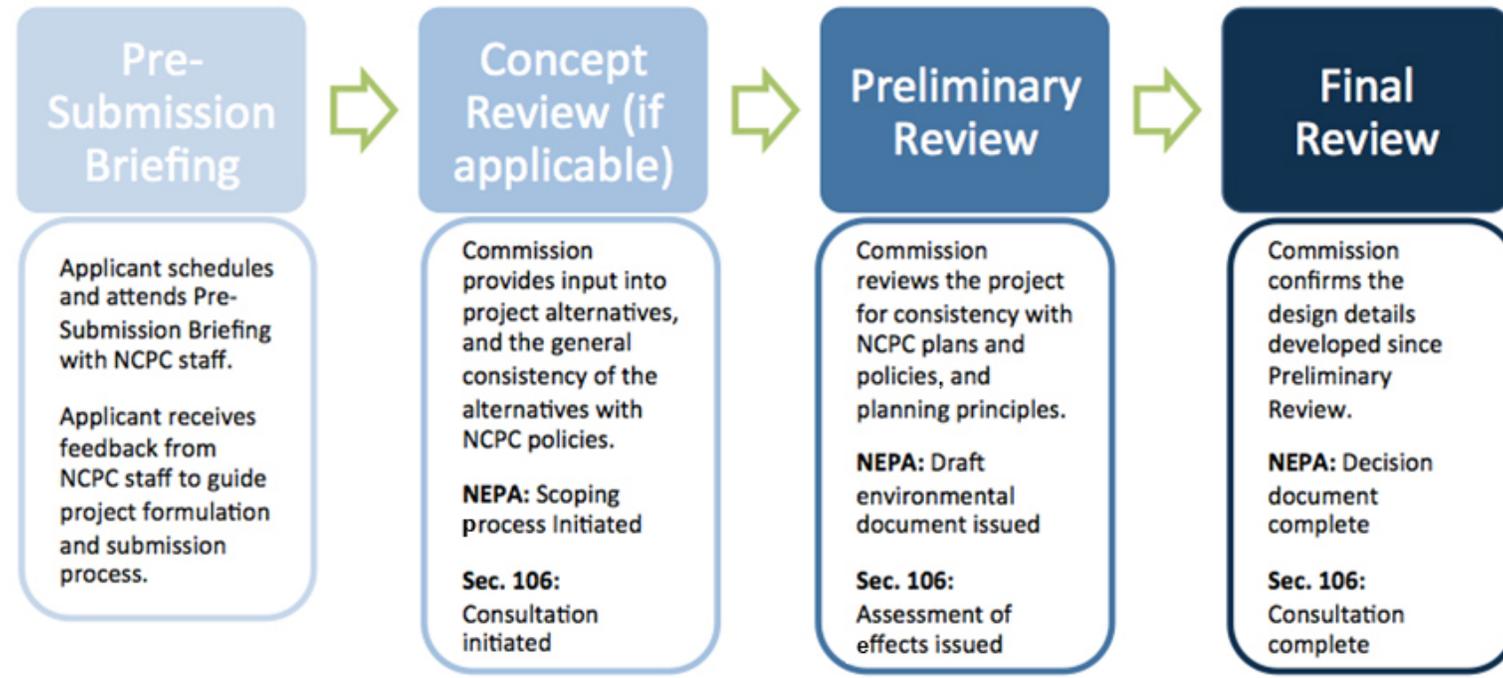
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Objective 2: Realigning Review Stages



Objective 2: Realigning Review Stages



Note: Additional Reviews

Coordinating Committee: NCPC staff briefs the Coordinating Committee on projects located in Washington, DC prior to Commission review to ensure coordination among agency stakeholders. The Committee consists of representatives from the General Services Administration, the National Park Service, Washington Metropolitan Area Transportation Administration, the State Historic Preservation Office, the District Department of Planning, the District Department of Energy and Environment, and the District Department of Transportation.

Referral to Intergovernmental Review: Master plans and projects that do not fall within an approved Master Plan are referred to the appropriate federal, state, and local agency for review. Intergovernmental review occurs during Preliminary Review.

Objective 2: Realign Review Stages – Commemorative Works

- Guidelines also update review stages for Commemorative Works
- Changes reflect new NEPA policies and procedures
- Includes concept review for both site and commemorative design, before proceeding to preliminary and final approvals
- Allows Commission to consider both site and design in the decision-making process

Objective 3: Exempt minor projects where there is no federal interest

- A number of review exceptions have been added; these would not require Commission review or approval
- In general, these are smaller or non-controversial projects with no impacts and no federal interests
- Staff will make determination when exemption applies, not the applicant
- New exceptions will realign activities to the local level where they are more appropriately addressed, and allow staff to focus on federal interests

Objective 3: Exempt minor projects where there is no federal interest

New Exceptions Include:

- Street and alley closing outside the L'Enfant City
- Amendments to the Highway Plan
- District projects outside the Central Area
- Zoning Commission referrals
- Small WMATA projects
- Minor building and site improvements

Revisions and Recommendations: Other Changes

- Expiration of Final Approval - 5 year timeframe with renewal options
- Substantial Change Provision
 - Site Layout
 - Intensity of Development
 - Location of access, site circulation or amount of parking
 - Building Height

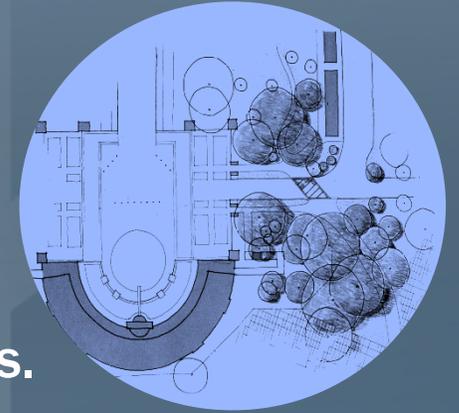
Delegated Actions

- Staff will also be updating the projects which can be delegated to the Chairman or Executive Director
- These are generally small or non-controversial projects with no issues
- Delegated Actions are separate internal operating procedures, and not a part of the Submission Guidelines
- Staff will bring recommended revisions to the Commission for a separate approval

- Clarifies requirements.
- Improves ease-of-use.
- Informs applicants earlier of review principles, issues and process.
- Results in earlier feedback from the Commission/staff which reduces the potential for changes or delays
- Clarifies review stages along with requirements.
- Attempts to better align with applicant's development processes.
- Better coordinates NEPA and S106 responsibilities with review stages.



- Clarifies requirements, roles and review stages.
- Improves accessibility of documentation
- Enables more timely direction on review principles, process, and issues.
- Reduces the potential for changes or delays
- Improves alignment with applicant development processes.
- Aligns with NEPA and S106 responsibilities with review stages.
- Enables accelerated review (streamlined requirements, updated CATEXs and new review exceptions)



- More accessible guidelines, policies, and procedural documentation.
- Clarified review stages facilitate analysis and clearer recommendations (EDRs).
- Early Commission guidance provides direction for staff and support when negotiating with applicants.
- Improves ability to coordinate and meet NEPA and NHPA responsibilities.
- Updated CATEXs enables better prioritization and focus on environmental issues
- Reduces unnecessary document preparation and administrative burdens





- Provides opportunity for earlier input in project design.
- Simplifies and clarifies terminology, agency responsibilities, and project review stages.
- Clarifies the types of comments are appropriate at various stages.
- Better aligns with related NEPA and NHPA review, including public comment opportunities.
- Better ensures environmental issues are appropriately reviewed and managed



Submission Guidelines

NCPC's Submission Guidelines describe the Commission's statutory authority, the content of submissions, submission stages, and the overall coordination and review process of NCPC's project review. Agencies that are subject to plan and project review must submit development proposals in accordance with the process laid out in the Guidelines.

- Overview
- Common Projects**
- Master Plans
- Commemorative Works
- Antennas
- Foreign Missions
- Transfers of Jurisdiction
- Exceptions and Changes

Common Projects



Overview

Common projects refers to the types of projects that are most often submitted to NCPC for review. While there are several types of projects in this category, the submission process and guidelines are the same. The projects include:

- ✓ **Building and Site Improvements:** These projects include 1) building construction or renovation, with or without site improvements, and 2) site improvements such as grading, landscaping, and street and road construction or improvements.
- ✓ **Parks and Open Space Acquisition/Disposition/Improvements:** These are projects to acquire, dispose, develop, or improve parks and open spaces. Examples of parks and open space include natural areas, parks, trails, greenbelts and greenways, community gardens, and cemeteries, schoolyards, playgrounds, public seating areas, public plazas, and vacant lots. This also includes Capper-Cramton projects which are projects on park land purchased through the Capper-Cramton Act.
- ✓ **Site Acquisition:** These projects are commitments for the acquisition of land paid for fully or in part with federal or District funds (regardless of development) in the National Capital Region (NCR).



The Commission:

Authorize the release of the draft *Submission Guidelines* for a 45-day public comment period.

Increasing Effectiveness and Efficiency: Revised Environmental Policies & Procedures

National Capital Region

Staff of the National Capital Planning Commission

Authorization of 45 day public comment period

May 4, 2017

Purpose of Presentation:

- Briefly describe the content of and improvements to proposed, revised National Capital Planning Commission (NCPC) National Environmental Policy Act (NEPA) regulations.

Requested Action:

- Obtain Commission approval to release the proposed *Environmental Policies and Procedures* for a 45 day public comment period.

NCPC Compliance with Environmental and Historic Preservation Policies and Procedures:

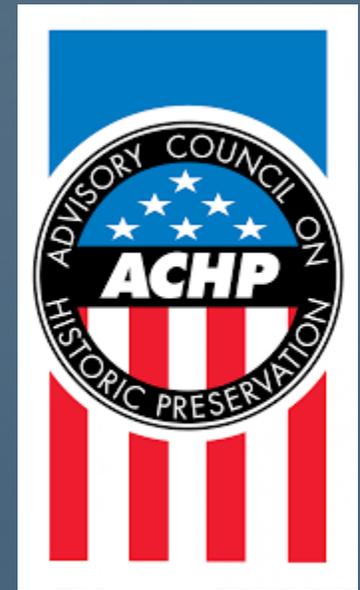
- NCPC must incorporate the requirements of NEPA and the National Historic Preservation Act (NHPA) Section 106 consultation process into its decision-making process when the Commission exercises approval authority.
- The Council on Environmental Quality (CEQ) requires all Federal agencies to prepare and adopt internal, individually tailored NEPA procedures to guide their implementation of NEPA.
- The Advisory Council on Historic Preservation (ACHP) adopted regulations all Federal agencies must follow to comply with the NHPA Section 106 consultation process.
- To comply with NEPA, NCPC adopted regulations in 2004 outlining an agency specific NEPA process. NCPC also included ACHP's historic preservation policies and procedures in the regulations even though not required to do so by ACHP.

Key Issues and Challenges with NCPC's Existing NEPA Regulations:

1. Concerns with organization and overall clarity.
2. Insufficient specificity regarding the roles of applicants and NCPC.
3. Inefficiencies due to sequencing of submission requirements and applicant project development schedules.
4. Outdated lists of Categorical Exclusions and Extraordinary Circumstances.
5. Missed opportunities to streamline NEPA process.

Regulation Development Process

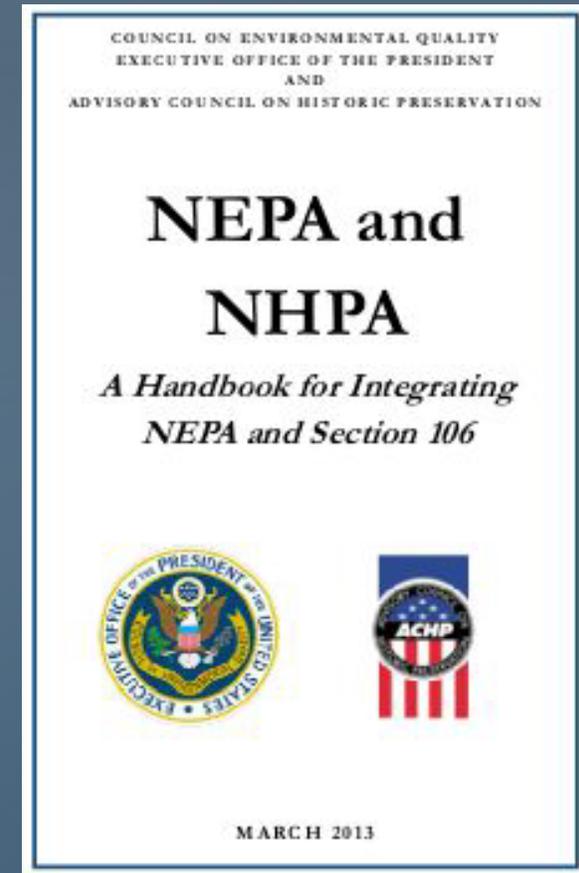
1. Engaged in pre-draft consultation with ACHP and CEQ.
2. Engaged in comprehensive internal review and revision of the document.
3. Decided to remove NHPA section 106 component of existing regulation after production of first draft and consultation with and approval of ACHP.
4. Engaged in extensive post-draft coordination with CEQ.



Council on Environmental Quality

Revisions and Recommendations: Improve Organization and Clarity

- Reorganized the regulations into subparts and subsections that address separate topics. The new organizational structure essentially translates to an outline of the process from start to finish.
- Reduced references to Section 106 of the National Historic Preservation Act.



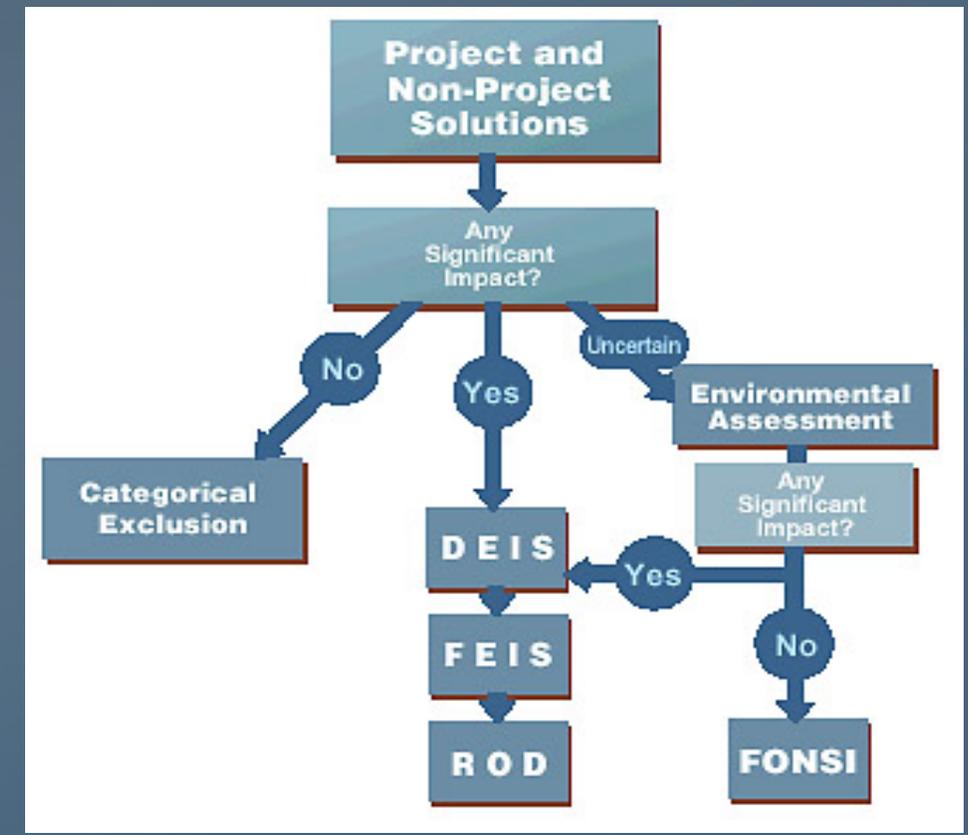
Revisions and Recommendations: Clarify Roles and Responsibilities

- Distinguished between federal and non-federal agency applicants. Examples of non-federal agencies subject to NCPC's jurisdiction are indicated at the bottom of the page
- Clarified NCPC's role with each type of applicant.
- Clarified who does what and when throughout NEPA process when NCPC serves as lead or cooperating agency.



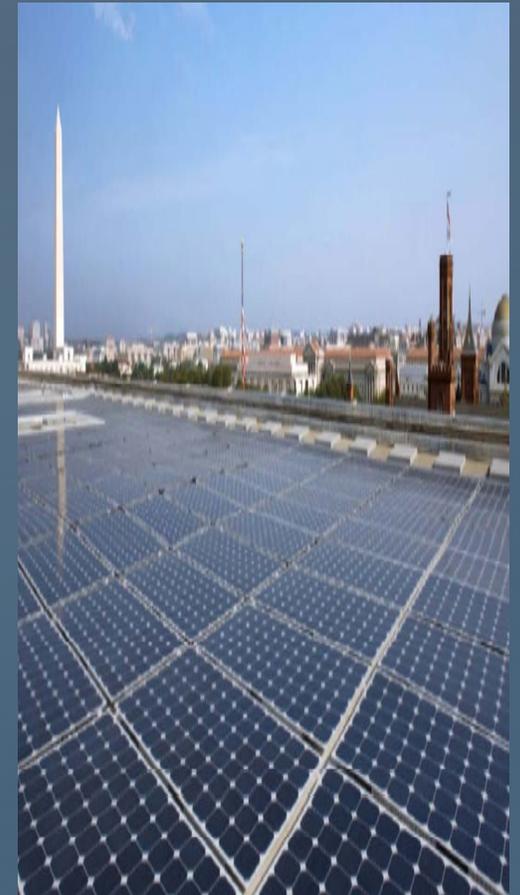
Revisions and Recommendations: Align NEPA Submission Requirements with Applicants' Project Timelines

- Initiate NEPA by the concept stage.
- Issue draft NEPA document by the preliminary stage.
- Issue final NEPA determination by the final stage.



Revisions and Recommendations: Update Categorical Exclusions

- A Categorical Exclusion refers to a category of actions that has been found overtime through preparation of an EA to result in a Finding of No Significant Impact or FONSI. Consequently an agency can by regulation exempt the category of actions from further NEPA analysis.
- Removed categorical exclusions based on outdated authorities.
- Added exclusions to reflect prevailing best practices and submissions, e.g. solar panel arrays.



Revisions and Recommendations: Update Extraordinary Circumstances

- An extraordinary circumstance is a special circumstance that when present may negate the ability to apply a categorical exclusion and compel a closer look at the potential impacts of a project through an EA. Examples include sensitive resources and reliance on unproven technology to ameliorate impacts.
- Added additional extraordinary circumstances to ensure various resource and other concerns are considered before a determination is made to apply a categorical exclusion.

Revisions and Recommendations: Streamline NCPC's NEPA Process

- Utilize Memorandum of Understandings.
 - A MOU is a project specific or programmatic agreement between a lead, co-lead and cooperating agency to define how the requirements of NEPA will be implemented and the requisite NEPA documentation prepared.
- Utilize programmatic documents and tiering.
 - A programmatic document consists of a a high level NEPA review that assesses the environmental Impacts of a project for which a subsequent, more focused NPA analysis will be conducted. To avoid duplication, the subsequent document “tiers off” or follows from the programmatic document.



Revisions and Recommendations: Streamline NCPC's NEPA Process (cont.)

- Enable NCPC to co-sign a lead agency FONSI or Record of Decision (the concluding document for an EIS)



Executive Director Recommendation:

Approve the release of the proposed *Environmental Policies and Procedures* for a 45 day public comment period.

Next Steps

