**Climate Daily News**

**EPA Comments Underscore Uneven Climate Treatment In NEPA Reviews**

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Recent EPA comments on federal agencies' environmental reviews appear to align with the findings of a new academic survey that show widely uneven treatment of how agencies assess -- and adapt -- projects to address climate impacts under the National Environmental Policy Act (NEPA), including many agencies that did not alter projects because of such impacts.

For example, EPA praised a recent Bureau of Land Management's (BLM) analysis of climate impacts on an Oregon forest management plan, calling it a potential “model” for future reviews. But the agency also faulted an Army Corps of Engineers review of a California water management plan for not including any discussion of climate impacts on the project.

Such differences in agencies' NEPA reviews are prompting calls for the administration to quickly finalize pending draft guidance requiring agencies to assess climate impacts on projects, as well as projects' greenhouse gas emissions. Columbia Law School's Michael Gerrard told a Sept. 24 American Bar Association webinar that a final version of the guidance is crucial to making federal agencies' reviews coherent.

“In the absence of formal guidance, agencies are all over the map,” he said.

His comments come days after the law school released [a Sept. 21 review](http://blogs.law.columbia.edu/climatechange/2015/09/21/federal-agencies-acknowledge-the-importance-of-preparing-infrastructure-for-climate-change-but-rarely-act-on-climate-projections/) of more than 100 environmental impact statements (EISs), which notes that while it is now more common for agencies in such NEPA reviews to “acknowledge the impacts of climate change on a project and its affected environment, it is still quite rare for agencies to accurately incorporate this knowledge into final decisions about the project design, selection of alternatives, or mitigation measures.”

The survey, from the school's Sabin Center for Climate Change Law, finds only 15 percent of 117 reviews from 2012-14 suggested that climate considerations influenced final decisions for how to proceed with a project. The survey looked at reviews for electric generation and transmission, energy development and mining, transportation, waster management, urban planning and public infrastructure projects.

NEPA requires federal agencies to review their major actions and consider less harmful alternatives to the environment. While the law does not explicitly require review of climate impacts on projects -- or the impact of projects on GHG emissions that cause climate change -- the White House Council on Environmental Quality (CEQ) has proposed guidance suggesting how agencies conduct such assessments though it has [yet to finalize](http://insideepaclimate.com/node/177579) it.

EPA in its recent comments cites the draft CEQ guide, explaining that it shows how agencies “should consider” a project's impacts on GHG emissions, as well as potential impacts that climate change could have on the project.

Gerrard on the webinar said stakeholders are awaiting a final guide in the next several months, after CEQ in December revised its long-pending proposed NEPA GHG guide.

**EPA Comments**

EPA's comments highlight such uneven application. For example, it's [July 29 letter](http://insideepaclimate.com/sites/insideepaclimate.com/files/documents/sep2015/epa2015_2054a.pdf) to BLM says the bureau includes “robust analysis of the potential impacts of climate change” in its EIS for a draft resource management plan for forest lands in Oregon.

EPA adds that the BLM climate analysis is “fully consistent” with CEQ's draft guide, and that the analysis, “when final, can serve as a model for other planning efforts seeking to include a robust analysis of climate change effects.”

Specifically, EPA praises BLM's discussion of the forest plan's impact on carbon storage and GHG emissions. The review also addresses the interaction between climate change and BLM management and the “potential effects of alternatives in adapting to climate change.”

Regarding adaptation, [the climate section](http://insideepaclimate.com/sites/insideepaclimate.com/files/documents/sep2015/epa2015_2054b.pdf) in the April 24 environmental impact statement (EIS) cites scientific studies of climate impacts on natural resources that include various “recommended actions” that reduce existing stresses, increase resilience to climate change and other stressors and enable “change where it is inevitable.”

BLM says such actions include thinning forest stands to reduce competition and drought stress; protecting large old trees, “large snags, and large downed wood;” and planting new species that can persist under both the current and expected future climate.

EPA says that while BLM's “analysis does not find strong differences among the alternatives with regard to carbon storage or [GHGs], the analysis does demonstrate that active management could provide opportunities to implement climate change adaptive strategies.”

Conversely, EPA is much more critical in [July 10 comments](http://insideepaclimate.com/sites/insideepaclimate.com/files/documents/sep2015/epa2015_2054c.pdf) to the Sacramento, CA, office of the Army Corps of Engineers on a supplemental EIS for the Delta Wetlands Project in San Joaquin and Contra Costa counties. EPA says the review “discusses greenhouse gas emissions during construction and operation, but does not include a discussion of climate change on the project. Sea level rise is mentioned as a risk in several places throughout the document, but no in-depth discussion is provided.”

EPA recommends including “regionally-specific” studies of future sea level rise, drought, storm surges and flooding due to climate change, and also to update modeling of historic water levels to account for the recent four years of drought and the “potential impact of long-term drought conditions and climate change on water supply and operations.”

**Sabin Center Study**

The recent comments align with the Sabin Center's findings, released in conjunction with an August report urging the agencies to use existing NEPA procedures to assess the risks of climate change in the context of proposed infrastructure and building projects.

“The survey found substantial variation in the scope and depth of the analysis of climate change impacts, both within and across different project categories,” the center says in a Sept. 21 blog post.

For example, while 92 percent of EISs for electric generation projects included some discussion of how climate change could impact the project, only 25 percent of transportation EISs did the same and only 2 percent of those indicated that the climate analysis had any bearing on final decisions about location or design of infrastructure.

In total, the survey found that of the 117 EISs, 61 percent included some discussion about climate impacts on the project, 27 percent examined the impacts of climate on the resilience or environmental consequences of the project and only 15 percent of the reviews had final outcomes that were influenced by the climate change impacts.

“Interestingly, one frequently cited justification for ignoring the impacts of climate change on a project . . . was that the project would not generate a significant level of GHG emissions. Thus, some agencies assumed that climate change impacts need only be addressed insofar as the project would contribute to climate change.”

However, the blog notes -- and cites a paper it published last month -- that NEPA requires agencies to account for future environmental conditions when conducting environmental reviews, “thus the impact of climate change on those conditions should be considered regardless of whether the project generates GHG emissions.”

The survey also found “confusion” over the difference between evaluating the contribution of a project to climate change and the impacts of climate on a project.

But the survey did find what the authors called “some positive developments,” including that 50 percent of the EISs in the “public works” category indicates climate impacts had influenced the final decision.

The Sabin Center's August paper offered a set of [model protocols](http://web.law.columbia.edu/climate-change/resources/nepa-and-state-nepa-eis-resource-center/model-eia-protocols) for addressing climate impacts under NEPA and urged agencies to follow these as they conduct future reviews.

The center added in the blog that is has conducted a more comprehensive survey of EISs from 2012 to 2014 including a larger selection of projects. The results of that survey are being compiled into a report, and it will be published on the center's website soon. -- *Dawn Reeves*([dreeves@iwpnews.com](mailto:dreeves@iwpnews.com))

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