



President's Letter to Members

Chapter formation

NAEP is a national organization of environmental professionals. Environmental professionals work with national laws, but they also work with state and local laws and with the local implementation of national laws. They also work with agencies that interpret national laws differently. To serve the needs of professionals in their communities, NAEP has affiliated local organizations. We call these chapters, but they are not subsidiary organizations

to NAEP. They are instead affiliated organizations, where both the local and national organization agree in writing that it is in their best interest to partner in the environmental enterprise of educating environmental professionals and promoting excellence.

The NAEP Board spends much time discussing the needs of chapters. Partly this is because of the organization's structure, which seats a representative of each affiliated chapter on the national board. But it is also because the Board recognizes that professionals need to be served at both the local and national level. Board meetings are often scheduled in certain locations because a local chapter can attend. In July 2014 the Board met in Nashville to encourage a local chapter to form in Tennessee, and a Board Meeting was held in October 2014 in Louisiana to assist with chapter formation there. The Permanent Conference Committee prefers to take proposals from chapters in deciding where the annual conference is held, and moves conferences around to chapter territories to support local chapters. If the conference is financially successful, the chapters receive the added side benefit of a financial boost through a conference profit-sharing arrangement.

NAEP chapters do not cover every city. What if there is not a chapter in your area? How much trouble would it be to start one? What makes a successful chapter? What makes a sustainable chapter? There is probably not one right answer to these questions.

First, a co-organizer is recommended. Then you have to start meeting. Some chapters seem to have luncheon meetings with a speaker. Others have evening networking receptions. Some meet to listen to the NAEP webinars, which can be at different times depending on the time zone. Speakers seem to vary, ranging from government officials to practitioners. Recently, my local chapter has been doing tours of interesting places around the area. Some of these do not start out as environmentally themed, but because the principles of sustainability are becoming important to a wide variety of organizations, almost all tours can have an environmental aspect.

A regular meeting time seems important, but is not always essential. Like all nonprofit organizations, there will be some time spent on administration, such as keeping a member list and registering and maintaining a non-profit status with the state and federal authorities.

Some organizations seem to be based on a charismatic leader who has the energy and drive to keep things going. This

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The NAEP National *E-News* is a publication of NAEP. NAEP can be contacted through the information below:

Tim Bower, CAE • NAEP Headquarters
PO Box 460 • Collingswood, NJ 08108 • P: 856-283-7816 • E: naep@naep.org • www.naep.org



Andrew Bell advises clients on the permitting of large-scale energy and real estate development projects on private lands in California and on federal public lands across the western United States. He represents some of America's largest private and publicly traded corporations before local, state and federal regulatory agencies on a daily basis.

Andrew's practice focuses on environmental impact review under the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), permitting under the Federal Land Policy and Management Act (FLPMA) and California's planning and zoning laws, incidental take authorizations under the Endangered Species Act, and compliance with other related federal and California natural resources laws. Much of Andrew's work involves designing and implementing entitlement strategies that meet the client's objectives in the most legally defensible manner possible.



Svend Brandt-Erichsen has been an environmental lawyer for 25 years, with 20 years in private practice. His practice is focused on the development and ongoing operation of energy and natural resource projects. Svend began his career on the legislative staff of Alaska's Senator Ted Stevens and served as Regional Administrator of the State of Alaska's Department of Environmental Conservation (ADEC). Svend is managing partner of Marten Law's Seattle Office.

Svend has litigated claims and advised companies on permitting and other issues arising under all of the major environmental statutes. In addition to permitting and compliance issues under the Clean Air Act, Clean Water Act, RCRA and the Endangered Species Act, he has assisted wind project developers with issues under the Migratory Bird Treaty Act and the Bald & Golden Eagle Protection Act, and he has litigated claims under the Federal Land Policy Management

Act, NEPA, and its state law counterparts. He also has litigated cost recovery and natural resource damage claims under CERCLA and state law. He also has helped utilities negotiate the fish and wildlife mitigation measures for hydroelectric projects. Svend routinely handles appeals involving environmental matters, having argued appeals in the Fifth, Ninth, and Federal Circuit Courts of Appeals and the State courts in Washington and Alaska, and participated in appellate proceedings in the Third, Sixth, and D.C. Circuits.

Fish and Wildlife Service May Overhaul Rule Permitting Incidental Take of Eagles

By Andrew C. Bell and Svend Brandt-Erichsen

Just as the United States Fish and Wildlife Service (USFWS) issues its first permit under the Bald and Golden Eagle Protection Act (BGEPA)^[1] authorizing a wind energy project to “take” golden eagles over the next five years, the agency also has announced that it intends to conduct a comprehensive review of its eagle permitting program under the National Environmental Policy Act (NEPA).^[2]

The questions USFWS intends to address during this review could result in a more workable permitting regime, such as by replacing the “no net loss” and “unavoidable take” concepts of the existing rules with more flexible, practicable standards. However, the outcome of the NEPA process is, by its nature, uncertain and will take time (USFWS optimistically projects 18 months). This raises questions regarding how BGEPA permits will be processed in the interim. USFWS has received at least 13 programmatic permit applications, and is in advanced pre-application discussions with multiple wind energy projects. The agency's stated intention to develop a standardized mitigation

regime for BGEPA permits will also require close attention. Finally, it is an open question as to whether USFWS can make changes to the permitting rules flexible enough to avoid additional rule revisions in the future. The existing regulations are less than five years old, and yet they have already had a storied and complicated life.

USFWS will host scoping meetings in five cities during a 90-day public comment period that ends on September 22, 2014. USFWS aims for a draft NEPA document in early 2015, followed by a final NEPA document and promulgation of revised permitting rules in late 2015.

1. Background

BGEPA prohibits “take” of bald and golden eagles except as authorized under regulations prescribed by the Secretary of the Interior (Secretary).^[3] On September 11, 2009, after preparing an Environmental Assessment (EA) and issuing a Finding of No Significant Impact under NEPA, USFWS published a final rule



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authorizing take of eagle nests and the non-purposeful take of bald and golden eagles associated with an otherwise lawful activity (Permit Rule).^[4]

The Permit Rule established two non-purposeful take permit regimes; one for standard permits authorizing individual instances of take that cannot be practicably avoided, and a second for programmatic permits authorizing recurring take that is unavoidable even after implementation of “advanced conservation practices”.^[5] The Permit Rule authorized programmatic permits for a term of up to five years.^[6]

In February 2011, USFWS published a draft Eagle Conservation Plan guidance document intended to show how to prepare an Eagle Conservation Plan in furtherance of a BGEPA permit request (Eagle Guidance).^[7] USFWS received extensive comment. Renewable energy developers – wind energy developers in particular – used this opportunity to request extension of the programmatic take permit term from five to 30 years to better correspond to the operational life of renewable energy projects and thereby provide greater certainty for potential project financiers and investors.^[8] However, members of the environmental community strongly recommended retaining the five year rule, asserting persistent uncertainty regarding the effects of wind projects on eagles and the need for continued public involvement.

On April 13, 2012, USFWS initiated two additional rule-makings, a proposed rule to extend the maximum term of programmatic permits from five to 30 years (Duration Rule), and, separately, an Advance Notice of Proposed Rulemaking (ANPR) requesting input on all other aspects of the 2009 non-purposeful take regulations except for permit duration.^[9]

USFWS issued a substantially revised, final version of the Eagle Guidance in May 2013 and, on December 9, 2013, issued the final Duration Rule pursuant to a categorical exclusion under NEPA.^[10] The final Duration Rule included an additional provision for the streamlined review of “low-risk” programmatic permits where an applicant could demonstrate a risk of less than 0.3 eagle mortalities per year.^[11]

During this time, USFWS initiated a series of eagle research initiatives with the United States Geological Survey and other agencies, in large part to provide baseline information for future BGEPA permitting decisions.^[12] Some of those studies are now complete.

On June 19, 2014, the American Bird Conservancy made good on a long-standing threat by filing a complaint for declaratory and injunctive relief against adoption of the final Duration Rule.^[13] The complaint alleges that USFWS and the Secretary violated NEPA by issuing the final Duration Rule pursuant to a categorical exclusion instead of an EA or Environmental Impact Statement (EIS).^[14] The complaint also alleges that the Duration Rule violates BGEPA in contravention of its preservation goals and violates the Administrative Procedure Act as an arbitrary and capricious “reversal of position”.^[15]

2. USFWS’s Proposed BGEPA Rule Revision

On June 23, 2014, USFWS issued a Notice of Intent (NOI) for the preparation an EA or EIS to support a full-scale reassessment of the agency’s eagle permitting program.^[16] The NOI says that agency staff who have been implementing the permit regulations have identified “a number of priority issues for evaluation,” including:

- Eagle population management objectives;
- Programmatic permit conditions;
- Compensatory mitigation; and
- Evaluation of the individual and cumulative effects of low-risk (or low-effect) permits.^[17]

The NOI started a 90-day comment period during which USFWS hosted public scoping meetings in Sacramento, Minneapolis, Albuquerque, Denver, and Washington D.C.^[18] The public comment period ends on September 22, 2014.^[19] USFWS aims for a draft NEPA document in early 2015, followed by a final NEPA document and promulgation of revised regulations in late 2015.^[20]

The following summarizes key aspects of the permitting program that USFWS intends to reassess over the course of the NEPA review.

a. Management Objectives

The eagle management objective under the existing Permit Rule is to “manage populations consistent with the goal of maintaining and increasing breeding populations over 100 years.”^[21] Under this standard, take of bald eagles is limited at five percent of estimated annual productivity.^[22] Due to a lack of data demonstrating the extent to which golden eagle populations could absorb take, the Permit Rule set a zero take threshold for the



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species, meaning that any take of a golden eagle must be equally offset by compensatory mitigation, resulting in “no net loss”.^[23]

USFWS intends to consider a range of alternatives to the eagle management objective through the NEPA process, ranging from a qualitative standard, such as “to not meaningfully impair the bald or golden eagle’s continued existence,” to a specific, quantitative take limit for each Eagle Management Unit as informed by newer, improved survey information developed since 2009.^[24]

b. Programmatic Permits: Duration, “Unavoidable Take”, and “Low-Risk”

The NEPA process initiated by the NOI appears intended to further the broad rulemaking effort started with the ANPR in 2012. While the ANPR expressly excluded permit duration because that issue was the focus of the separate Duration Rule, USFWS has since decided to use this most recent NEPA process to “[f]urther analyze the effects of longer term nonpurposeful take permits,” apparently to address opposition to the Duration Rule.^[25] Given that USFWS also has indicated in its scoping materials that “30 years is the appropriate maximum term for programmatic permits,” this latest round of NEPA review may serve as a vehicle for reinforcing the Duration Rule’s rationale.^[26]

USFWS also intends to revise the definition of “low-risk” to include projects with higher take probabilities than the current 0.3 eagles per year standard, which, in the words of USFWS, is so low that “it covers only those projects where take is basically negligible”.^[27] The extent of the increase will largely depend on the results of the cumulative effects analysis of the NEPA review.^[28]

Finally, and most significantly, USFWS will consider eliminating the “unavoidable take” standard for issuing programmatic permits and replacing it with a less stringent requirement “that all permittees take all practicable measures to avoid and minimize take of eagles”.^[29]

c. Compensatory Mitigation

To date, power pole retrofits to reduce eagle mortalities by electrocution have been the most common form of compensatory mitigation contemplated by USFWS in exchange for eagle take authorization.^[30] Other potential approaches include habitat preservation, construction of nest platforms, lead abatement, carcass removal, in lieu fees, and funding of conservation programs.^[31]

USFWS intends to use the NEPA process to identify and evaluate a suite of uniform, scalable compensatory mitigation measures for codification in the revised rule.^[32] USFWS seeks input on when and how much compensatory mitigation should be required (e.g., for any authorized take versus only if take thresholds are exceeded), as well as the kinds of mitigation that should be used.^[33] USFWS will also explore the establishment of mitigation funds.^[34]

In parallel with this effort, USFWS is actively promoting a new, coordinated public-private eagle research program in which the USGS and USFWS will support research on eagle population dynamics and basic biology while the National Fish and Wildlife Foundation (NFWF) funds eagle take mitigation research and the development of Advanced Conservation Practices.^[35]

To that end, NFWF hopes to obtain research financing through a recently established National Bald and Golden Eagle Research Fund and a Mojave and Sonoran Desert Fund.^[36] NFWF also proposes to create advisory committees (staffed in part by industry scientists) for the selection of research projects.^[37] USFWS plans to seek financial support for the NFWF funds through industry contributions, settlement agreement community service, and federal and state agency support.^[38] It is likely that the NEPA document for the proposed permitting rule revision will include payment of in-lieu fees to NFWF as a form of standardized compensatory mitigation.

3. Implications

The issues that USFWS intends to evaluate through the NEPA process (and the rulemaking that may follow) go to the core of the eagle permitting program. Changing the program elements referenced by USFWS in the NOI could eventually result in a more flexible programmatic permitting regime. For example, applying a more realistic metric for identifying “low risk” projects and replacing the rigid “no net loss” and “unavoidable take” concepts with standards that give USFWS more discretion in its permitting decisions could improve implementation of the program. Likewise, a standardized, front-loaded compensatory mitigation framework with in-lieu fees could also create greater certainty and perhaps a faster permitting process as well.

But while prospective permittees are likely to support rule changes that would provide greater flexibility and wider agency discretion, wildlife advocates are just as likely to press USFWS to

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narrow the regulations in the same respects. Because the alternatives considered in the NEPA document are likely to cover both sides of the spectrum on each of the major issues identified in Section 2 above, it is also possible (but perhaps unlikely) that USFWS may adopt permitting requirements at the end of the process that are more stringent than those in effect today.

The inherent uncertainty of the NEPA process, and the lack of consensus over how to change the permitting program, ushers in a new period of uncertainty that will continue until the NEPA process is concluded and any revised regulations are adopted — a process that the agency acknowledges could take 18 months (and presumably longer, should the agency decide to prepare an EIS). This may delay the availability of eagle permits, or may open any permits that are issued in the interim to collateral attack, depending on how such permits are structured and how the NEPA and rulemaking processes proceed. Meanwhile, USFWS has begun to actively enforce BGEPA and the Migratory Bird Treaty Act (MBTA).^[39] If enforcement is intended to encourage projects to seek permits, then that objective is undercut by the uncertainty fostered by the NOI and planned rule-making process.

USFWS could minimize some of this uncertainty by proposing clear “grandfathering” rules in the draft NEPA document and subsequent regulations, much like those of the Bureau of Land Management’s Solar Energy Program and more recent iterations of California’s proposed Desert Renewable Energy Conservation Plan. For example, projects might have the option of remaining subject to the existing permitting regime as long as their applications are submitted before proposal or adoption of the new regulations, even if the permits issue after the new rules take effect. Providing the option – but not the requirement – to conform to the new permit rules would at least give those projects in the permitting pipeline a measure of certainty in an otherwise unstable setting.

The agency’s intent to develop a uniform approach to mitigation also could undercut flexibility created by other changes to the program. Much like squeezing a balloon, imposing more flexible permitting rules on one end of a large-scale regulatory

process can sometimes result in overly stringent and inflexible mitigation requirements at the other end. However, the NOI suggests the USFWS recognizes that risk, as it suggests that mitigation be scalable as well as standardized. To be workable, any standardized mitigation proposals will need to be sufficiently scaled, tiered and qualified to avoid a one-size-fits-all approach.

The apparent plan of USFWS to use settlement agreements as a tool to provide NFWF with research funds also is highly unlikely to encourage industry participation. The only settlement announced to date was reached under the MBTA’s criminal provisions. Companies are likely to resist admission to criminal violations of the MBTA or BGEPA. The aggressive pursuit of settlements by USFWS may not foster the kind of collaborative relationships envisioned by the Eagle Guidance that are more likely to contribute to sound eagle conservation decisions.

The NOI also indicates that USFWS will consider replacing the current “no net loss” golden eagle management objective with either a qualitative standard or discrete numeric take limits for each Eagle Management Unit. While unit-specific limits are likely to better reflect the most recent population data and would present a marginal improvement over the current “no net loss” standard for golden eagles, unit-specific limits also would likely be rendered obsolete by new data in the future. Adopting a rule that allows the agency to adjust to changes in baseline data over time and across geographies makes sense, but not if that responsiveness can only be achieved through constant rule revisions. This suggests that a qualitative standard would be a better approach.

4. Conclusion

USFWS has opened a pathway for material improvements to its eagle permitting program through the June 23 NOI and the process that will follow. It also has introduced substantial uncertainty for pending permit applications, which is complicated by the agency’s stepped-up effort to enforce BGEPA and the MBTA. Prospective BGEPA permittees would be well-advised to actively participate throughout the NEPA process (and any rulemaking that follows).

For more information, please contact Andrew Bell in Marten Law’s San Francisco office or Svend Brandt-Erichsen in Marten Law’s Seattle office.

Notes

[1] 16 U.S.C. § 668 *et seq.*

[2] 79 Fed.Reg. 35564 (June 23, 2014).

[3] 16 U.S.C. § 668a.

[4] 74 Fed.Reg. 46836 (Sep. 11, 2009); see 50 C.F.R. § 22.26. The Permit Rule defines “take” to include “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb.” 50 C.F.R. § 22.3



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- [5] 50 C.F.R. § 22.3. The Permit Rule defines “advanced conservation practices” as “scientifically supportable measures that are approved by the Service and represent the best available techniques to reduce eagle disturbance and ongoing mortalities to a level where remaining take is unavoidable.” *Id.*
- [6] 74 Fed.Reg. 46878 (Sep. 11, 2009).
- [7] 76 Fed.Reg. 9529 (Feb.18, 2011).
- [8] See, 78 Fed.Reg. 73705 (Dec. 9, 2013).
- [9] 77 Fed.Reg. 22267 (April 13, 2012); 77 F.R. 22278 (April 13, 2012).
- [10] 78 Fed.Reg. 25758 (May2, 2013); 78 Fed.Reg. 73704 (Dec. 9, 2013).
- [11] 50 C.F.R. 13.11(d)(4), fn. 2.
- [12] U.S.F.W.S., <http://eaglescoping.org/research> (last visited June 27, 2014).
- [13] Complaint for Declaratory and Injunctive Relief, Deborah Shearwater et al. v. Dan Ashe, et al., No. 14-cv-02830 (N.D.Cal. June 19, 2014), available at American Bird Conservancy, <http://www.abcbirds.org/PDFs/EagleRuleComplaintFiled.pdf> (last visited June 27, 2014).
- [14] *Id.* at 20.
- [15] *Id.* at 21.
- [16] 79 Fed.Reg. 35564 (June 23, 2014).
- [17] *Id.* at 35566.
- [18] *Id.* at 35564.
- [19] *Id.*
- [20] David Cottingham, Sr. Advisor to Dir. of U.S.F.W.S., Eagle Rule Revision and Research, Presentation at AWEA Windpower 2014 (May 3, 2014).
- [21] 79 Fed.Reg. 35564, at 35565 (June 23, 2014).
- [22] *Id.*
- [23] *Id.* at 35565-35566.
- [24] *Id.* at 35566.
- [25] *Id.*
- [26] U.S.F.W.S., <http://eaglescoping.org/topics> (last visited June 27, 2014).
- [27] *Id.*
- [28] *Id.*
- [29] *Id.*
- [30] U.S.F.W.S., <http://eaglescoping.org/compensatory-mitigation> (last visited June 27, 2014).
- [31] *Id.*
- [32] *Id.*
- [33] *Id.*
- [34] *Id.*
- [35] David Cottingham, Sr. Advisor to Dir. of U.S.F.W.S., Eagle Rule Revision and Research, Presentation at AWEA Windpower 2014 (May 3, 2014).
- [36] *Id.*
- [37] *Id.*
- [38] *Id.*
- [39] See *Recent Developments Regarding Avian Take at Wind Farms*, Marten Law Environmental News (Jan. 27, 2014).

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is exciting when it happens, but there is also a need to have some succession planning so that when this person’s term is up or when they run out of all the energy, the chapter continues.

To help with chapter formation and sustainability, NAEP has a chapters committee, chaired by Bill Plumpton and assisted by vice-chair Kristen Bennett. The committee is made up of local chapters that meet monthly by telephone to discuss all there is to running a chapter. The committee can also help with the administrative aspects of chapter formation. They would be happy to send a chapter formation package.

NAEP chapters are diverse. Some, like California and Florida, are so large that they have their own chapters. Most chapters, even if they have statewide members, focus on a single city. This is probably the most realistic approach for providing service, networking, and education to a metropolitan area.

Should you take the leap and try organizing a chapter, the side benefits to you are substantial. You learn more about your local community, and which companies are the innovators in environmental practice. You learn more about your local government, regional efforts, and local federal agencies and what they think are important. You find others who are facing the same problems that you face and learn how they are solving them. And you develop contacts and friendships.

Make an effort to participate in your next local chapter event. And if there is not one, schedule a ‘green drinks’ meet-up-type event to learn about the like-minded environmental professionals in your area. Start meeting! NAEP needs a chapter in every city and every state.

Harold Draper, NAEP President



Lena DeSantis is a Managing Planner at Anchor QEA, LLC, who specializes in applied environmental science and policy, sustainability, and permitting, specifically in the port sector.



Jack Malone is a Managing Scientist at Anchor QEA, LLC, who specializes in all aspects of permitting, regulation, and preparation of state and federal environmental documentation related to complex projects involving marine and coastal development.

The 2008 Mitigation Rule: Planning is Key

*By Lena DeSantis and Jack Malone
Anchor QEA, LLC*

The Clean Water Act's goal is to restore and maintain the chemical, physical, and biological integrity of the nation's waters. Under Section 404 of the Clean Water Act, applicants must obtain a permit, issued by the U.S. Army Corps of Engineers (USACE) or approved state agency, to discharge dredged or fill material into wetlands, streams, and other waters of the United States. When planning mitigation, the applicant must follow a strict sequence that emphasizes avoiding and minimizing impacts, and then compensating for any unavoidable impacts. Unavoidable impacts require compensatory mitigation to replace the loss of wetland, stream, or other aquatic resource functions.

Overview of the 2008 Mitigation Rule

In 2008, the U.S. Environmental Protection Agency (USEPA) and the USACE issued revised regulations governing compensatory mitigation for impacts to waters of the United States under Section 404 of the Clean Water Act in 33 Code of Federal Regulations (CFR) 332.8(d)(2) and 40 CFR 230.98(d)(2). These regulations, commonly referred to as the 2008 Mitigation Rule, established one set of regulations for compensatory mitigation and standardized the requirements for mitigation banks and in-lieu fee programs. An important example of the standardized requirements is that the 2008 Mitigation Rule specifies that mitigation plans must have 12 essential components including clear objectives, established site selection criteria, formal long-term site protection instruments (e.g., conservation easements), detailed baseline information, a method to determine the number of credits to be generated, a mitigation monitoring and maintenance plan, ecological performance standards, and financial assurances. The 2008 Mitigation Rule also outlines multiple approaches to mitigation by allowing individual and umbrella

mitigation banks, in-lieu-fee programs, and direct permittee-responsible mitigation. This flexible approach to compensatory mitigation provides environmental planners and developers with options when planning future development.

Avoidance and Minimization

USEPA, the National Research Council, and others in the research community place an emphasis on avoidance over restoration because restoration projects are not guaranteed to work. Despite years of work in this area and the ecological complexity of aquatic ecosystems, a full understanding of restoration ecology remains elusive (see the USEPA guidance available at: <http://water.epa.gov/lawsregs/guidance/wetlands/upload/MitigationRule.pdf>). With this understanding in mind, projects that avoid impacts to the greatest extent possible will be the easiest to advance through the regulatory approval process. However, the reality is that impacts to aquatic resources cannot be completely avoided in all cases and after impacts have been minimized, compensation for the remaining unavoidable impacts must be undertaken.

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Mitigation

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Compensatory Mitigation Credit Systems

While compensatory mitigation may be performed directly by the permittee or project proponent, the 2008 Mitigation Rule encourages the use of mitigation banks and in-lieu fee programs as means of encouraging a broader watershed approach to mitigation and increasing the likelihood of mitigation success. Both in-lieu fee programs and mitigation banks offer compensatory mitigation credits through restoration, enhancement, establishment, or preservation of desired habitats.

An in-lieu fee program is established by a governmental agency or a non-profit entity that proposes a compensation planning framework that will be used to select, secure, and implement mitigation sites. The program manager accepts fees from permittees and applies those fees to implement mitigation projects that must be approved by an interagency review team (IRT).

Mitigation banks are typically established when a particular site (or collection of sites) suitable for mitigation is identified and mitigation activities are performed in advance of project impacts.

Both in-lieu fee programs and mitigation banks are governed by instruments established by the sponsor in coordination with an IRT, which is usually USACE, USEPA, and other federal and state agencies involved in project permitting and natural resource management. The process is initiated through release of a prospectus for public review. The prospectus describes the proposed mitigation approach and service area for the bank or in-lieu fee program. After reviewing public comments on the prospectus, the bank sponsor develops a draft instrument for review by the IRT. Once the Bank Enabling Instrument (BEI) or In-lieu Fee Instrument is approved by the IRT, the applicant may then develop, construct, and monitor mitigation sites. As the performance criteria established in the BEI are met, the bank sponsor is granted credits to bank for future mitigation needs. Though both in-lieu fee programs and mitigation banks may offer practical solutions to mitigation needs, this rest of this article will focus on mitigation banking rather than in-lieu fee programs.

Though it requires a substantial initial effort to establish a mitigation bank, once established, a mitigation bank will streamline the mitigation process for development projects. Once mitigation credits are generated by a bank, project proponents may propose to purchase suitable credits from the bank to compensate



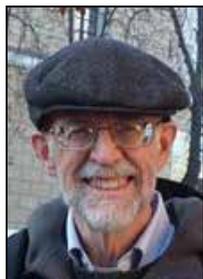
for unavoidable impacts that would result from their project after they have demonstrated avoidance and minimization of impacts. This approach avoids the need for individual project proponents to design and develop their own mitigation sites that would require agency approval and potentially the acquisition of land.

Programmatic Mitigation Banking

A number of agencies around the United States are using mitigation banks in novel ways to proactively plan for future needs. One example of a novel approach is provided by the Port of Los Angeles (POLA). POLA is the nation's busiest container port and handles almost a quarter of the cargo that enters the United States annually. To meet the ongoing operational needs of a large port and adapt to global trends in transportation, port infrastructure improvement projects are necessary and may result in unavoidable impacts to waters of the United States. POLA is developing an umbrella mitigation banking program to facilitate generation of a diverse portfolio of mitigation credits. The umbrella agreement provides a framework for developing multiple BEIs covering several habitat types. This programmatic approach to mitigation banking will provide a flexible approach for POLA to satisfy future mitigation needs by banking mitigation credits for a variety of habitat types—including wetlands, eelgrass, and open water. Working cooperatively with the resource agencies to develop this programmatic approach to mitigation will help to streamline regulatory and BEI development processes, provide cost savings, facilitate POLA's long-term planning ability, and prioritize large-scale aquatic habitat restoration projects as banks. In addition, by establishing mitigation banks in advance of the construction of development projects, overall impacts to the environment are reduced by eliminating temporal loss of aquatic functions.



JOHN PERKINS RECEIVES NAEP FELLOWS AWARD



Audrey Binder, CEP

Congratulations to John H. Perkins, Ph.D., CEP, who was recognized at the National Association of Environmental Professional's (NAEP) 2014 Annual Conference, in St. Petersburg, Florida, for their very highest level of membership recognition – NAEP Fellow.

The Fellow Member category is reserved for NAEP members who are given this recognition because they have made significant and substantial contributions to the growth and development of the NAEP, including serving in NAEP leadership positions, demonstrating good judgement and integrity, and having achieved an exemplary level of accomplishment in the environmental profession. In addition, they must have at least 5 years of professional experience, with 5 or more years in positions of “Responsible Charge”; they must be NAEP members for 5 or more years; and they must be a Certified Environmental Professional (CEP), unless individually exempt.

John has been a NAEP member in good standing since 1989, and has been actively employed in “positions of responsible charge” for most of his entire long and distinguished career, covering over 40 years. He spent much of his career as an educator in environmental programs, and was Editor-in-Chief of the NAEP journal *Environmental Practice* from 1998 to 2008.

After receiving his Ph.D. from Harvard University in 1969, he was a Postdoctoral Research Fellow before taking positions at the National Academy of Sciences in Washington, D.C. He returned to academia as an Assistant Professor, then as Associate Professor at Miami University (Ohio) from 1974 to 1980, and was tenured in 1978. He returned to research as an honorary Research Associate at the University of California, Berkeley from 1978 to 1980. After this 2-year period, John returned again to teaching, this time at Evergreen State College, in Olympia Washington, as Senior Academic Dean from 1980 to 1986, and Director of the Graduate Program on the Environment from 1999 to 2005. He retired from full-time teaching in 2007 and is now Member of the Faculty Emeritus at Evergreen.

John has also been visiting faculty at Imperial College,

University of London (1986 to 1987); and at Kobe University of Commerce, Kobe Japan (1991).

Non-academic positions include: Senior Fellow (honorary) for the National Council for Science and the Environment, Washington DC, from 2010 to current; and as a Visiting Scholar (honorary) at Energy Biosciences Institute, University of California, Berkeley, from 2011 to current.

He has been involved with research and project support throughout his career, and has authored or peer-reviewed more than 50 publications. He published *Insects, Experts, and the Insecticide Crisis* (Plenum, 1982), and *Geopolitics and the Green Revolution* (Oxford University Press, 1997).

John has been actively involved with the NAEP since 1995, much of it on a daily basis for many years, but always in a low-key and unassuming way. He served on NAEP's Publications Committee during most of his involvement with NAEP, and served on other committees, as well. John edited NAEP's journal, *The Environmental Professional*, from 1995 to 1997, however issues were not being published regularly at that time, so he worked as an ex-officio Board member to see if publication of a journal would resume. Publication did resume in 1999 and John continued as NAEP's editor until 2008. He was instrumental in getting the Journal up and running again, which included finding a new publisher, first with Oxford University Press, than to Cambridge University Press, our current publisher. While he was editor, he wrote an editorial for every issue of the Journal. He continued to also serve as an ex-officio Board member, attending 1-2 meetings a year. At the NAEP conferences, he often organized and/or spoke on various panels. He has been always been ready to help out whenever asked, and he is a role-model for good judgement and integrity.

The “Fellows Award” is NAEP's very highest level of membership recognition and has been awarded to only a few in the history of the NAEP. These include: John Daugherty, Audrey Binder, Marc Bruner, Gary Kelman, Jim Roberts (deceased), Norm Arnold (deceased), and Charles Zirzow (deceased). All of the existing Fellow members were present for the presentation at the NAEP Conference in St. Petersburg, Florida, and a plaque commemorating the event was presented by NAEP President Harold Draper.



KAYLA OUELLETTE IS 2014 ZIRZOW STUDENT AWARD RECIPIENT



Audrey Binder, CEP

Kayla Ouellette, a graduate student at the University of South Florida, Tampa Florida, was selected as this year's Zirzow Student Award winner at the 2014 National Association of Environmental Professionals (NAEP) Annual Conference, held at the Hilton Bayfront, St. Petersburg, Florida. Kayla completed her Master's of Science degree in Environmental Science and Policy, as well as a Geographical Information Systems (GIS) Certificate. Her thesis was "Ecosystem Services and Sustainable Sugarcane Farming in South Florida".

Kayla is currently working with Envirotek, in Tampa, Florida, where she interned during her graduate program. She was a member of the Tampa Bay Association of Environmental Professionals, and was active in the Tampa Bay Association of Environmental Professionals Student Chapter, serving as their Treasurer. Kayla has a Bachelor of Science degree from Millsaps College in Jackson, Mississippi, and has done research at the Institute for Marine Mammal Studies, in Gulfport, Mississippi; at the Sea Education Association of Woods Hole, Massachusetts; and at the Mississippi Museum of Natural Science, Jackson Mississippi. She has worked at the Mississippi Department of Environmental Quality, Jackson Mississippi, in the Lead Paint

Program, in 2008; and at the Mississippi Department of Environmental Quality State Lab, in Pearl Mississippi, doing biological monitoring and assessment of listed Wadeable streams and rivers (2008).

Kayla is the 13th recipient of the Zirzow Student Award, presented in honor of Charles F. Zirzow, one of the founding members of the NAEP, who passed away in 1977. Commander Charles F. Zirzow was the Director of the U.S. Navy's Natural Resources Management Branch when it was created and saw it through its development years. Among his many accomplishments to the NAEP was the development of the Environmental Professionals Certification Program, which became The Academy of Board Certified Environmental Professionals (ABCEP), built on the premise that environmental learning and career development is a continuing and lifelong process. The Zirzow Student Award was established in 2001, and is presented to a deserving college student or recent graduate, who has been recognized by their department for their academic achievement.

Kayla was formally recognized at the Awards presentation luncheon, at the 2014 NAEP Annual Conference, in St. Petersburg, Florida. The Zirzow Award included the Conference fee, a one-year NAEP Student Membership, a cash award, and a plaque of recognition. The award was presented by Audrey Binder, Zirzow Awards Committee chair, and by NAEP President Harold Draper.

Advertising Opportunities in the NAEP Newsletter

The NAEP Newsletter is offering a limited amount of advertising space in the publication. Advertisements will be limited to two pages per issue for 2014 and once that space is filled per issue there will be no other advertisements accepted. Advertisers will have the opportunity to purchase space in all remaining issues of 2014 so that they can be assured of space in each issue. This is a great opportunity to both support NAEP and gain access to a potential readership of over 6,500.

Ads can be purchased in either quarter or half page sizes and is priced at a very affordable price that starts at \$375 per ad for a quarter page ad when 6 ads are purchased. The purchasing of ads in advance allows the advertiser to reduce their costs and allow you to make sure your ad space is reserved.

For more information on advertising opportunities or to reserve your space please contact Tim Bower at 856-283-7816 or by email at naep@naep.org.





2014 NAEP Student Poster Competition



Author: Erin Morrison, BSCE.

Congratulations to the USEF, Tampa students who took home the top three places in the Student Poster Competition at the 2014 National Association of Environmental Professionals (NAEP) National Conference! Students were critically rated by a panel of judges on their professional communication skills and their ability to engage their audience. Out of 18 competing posters, Emma Lopez and Laura Rankin took home 1st place, Jorge Calabria took home 2nd place, and Laura Rodriguez-Gonzalez took home 3rd. Erin Morrison, the National Student Conference Chair for TBAEP-USF and a Civil/Environmental Engineering graduate student at USF, designed and carried out the competition.

The purpose of the competition was to model as closely as possible the encounters these young professionals might have with potential employers, clients, or funding sources. Judgment often times is passed quickly in the professional world and the difference between a good impression and a bad impression lies in both the verbal and non-verbal communication. Students were afforded just 3 minutes to present their poster followed by a short 2 minute question and answer period. Within these 5 minutes students were rated on their body language, eye contact, ability to elicit excitement and interest from their audience, the sense of confidence they conveyed, and the quality of the product they were presenting. The actual technical material their posters discussed was not considered in the rating. This key feature of the competition allowed for both undergraduate and graduate students to participate and compete with each other. Undergraduate students typically presented using a favorite term project from a former class or an internship while graduate students typically presented on current or previous research topics.

Tampa Bay Association of Environmental Professionals (TBAEP), a regional chapter of NAEP, presented the winning students with their awards at the May TBAEP Professional Luncheon held at Brio Tuscan Grill in Tampa, FL. Erin Kane, President of TBAEP had the honor of recognizing each student in front of an audience of environmental professionals and potential employers for the students. Students were granted room prior to the award ceremony to display their posters and discuss their poster topics with environmental professionals attending the luncheon. TBAEP prides itself on its strong support of students within the Tampa Bay area and is proud of the high student activity and involvement its chapter enjoys.



Emma Lopez and Laura Rankin, 1st place NAEP Poster Presentation winners

Jorge Calabria, 2nd place NAEP winner

Laura Rodriguez-Gonzalez, 3rd place NAEP winner



Laura Rankin and Emma Lopez presenting their poster



NAEP Poster Presentation winners receiving their prizes: Bruce Hasbrouck, former TBAEP president and Erin Kane, current president of TBAEP with NAEP Poster Presentation winners Jorge Calabria, Laura Rodriguez-Gonzalez, Emma Lopez, and Laura Rankin



Saying what we mean

An indefinite series of essays about words and phrases that do not necessarily mean what we say

Eleventh in a series by Owen L. Schmidt

Highly controversial

The phrase *highly controversial* comes to us in the NEPA-implementing regulations, which present 10 items that “should be considered” when determining whether environmental consequences will be significant, including “The degree to which the effects on the quality of the human environment are likely to be highly controversial.” 40 CFR 1508.27(b)(4).

We don't necessarily mean what we say, and we don't necessarily say what we mean.

What we mean to say is that if the extent of adverse environmental effects is highly controversial, they are more likely to be significant — more likely than if they are merely controversial, or barely controversial, or not controversial at all. There isn't a hard connection: if highly controversial then significant, or, if less than highly controversial then not significant.

Quite a bit of interpretation is necessary to get from the language stated to the language that probably was intended and that we can use. Start with the word *effect*, which we know is intended to be synonymous with the word *impact* (40 CFR 1508.8, “Effects and impacts as used in these regulations are synonymous”). The word *impact* is universally understood in this context to mean an adverse or deleterious environmental consequence. Benefits and advantageous or salubrious environmental consequences — these are almost never referred to as impacts and are not in contention here.

Then there is the word *degree*. Apparently these things are measured in degrees. There is no information here about

how many degrees it would take to amount to a high degree of controversy. We have to assume that the more degrees there are the closer we are.

And then it isn't even the degree of significance, or the degree of controversy, it is the degree to which the effects are *likely* to be highly controversial. It is *likelihood* that has to be measured, and measured in degrees, if we parse this language very closely.

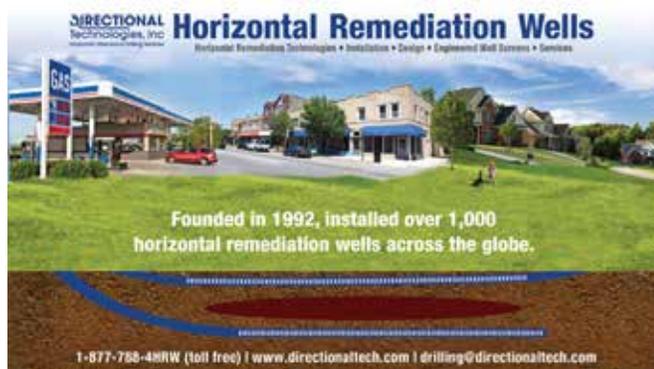
Finally we get to the word *highly*. Controversy is not enough for significance, perhaps. What is necessary is a high degree of controversy. No, wait. It isn't the degree of controversy. It is the degree of likelihood that the adverse consequences will be highly controversial.

So if we were to create a matrix of these variables, we might see a small likelihood of high controversy, or a high likelihood of high controversy. Because likelihood is measured in degrees, there could actually be a large number of degrees of likelihood making up a large matrix.

All of this is unnecessary. This could not really have been intended. What we mean to say is that controversy over the nature and extent of adverse environmental consequences is relevant to the question of whether those adverse consequences are significant. Responsible opposing scientific viewpoints must be considered. The degree of likelihood of high controversy need not be measured at all. The degree of controversy need not be characterized as high or low or anything in between.

If we said what we meant, we would say, simply, “Controversy over the extent of adverse environmental consequences.” Not the likelihood of high controversy, not the likelihood of controversy, not even the controversy itself. Controversy is only relevant, if it exists at all, to nail down the extent of the adverse consequences.

CONTACT THE AUTHOR: Owen L. Schmidt, P.O. Box 18147, Portland, OR 97218-8147 oschmidt@att.net





NAEP 2014 Environmental Excellence Award Recipients

President's Award

Project Name:

North by Northwest CONNECTOR

Presented to:

U.S. Department of Energy, Tillamook County Transportation District, Sunset Transportation Services District, Lincoln County Transit, Benton County Rural Transit, Columbia County Rider, North by Northwest Transportation Foundation, David Evans and Associates, Inc., Noble Erickson, Inc., Banner Non-Profits, LLC, M2 Traffic Management, LLC

Description of Project:

The North by Northwest Connector Project is an innovative partnership between five rural public transit agencies and a private non-profit foundation in northwestern Oregon. The

project, which was initially launched through a grant from the US Department of Energy, is the collaborative effort of the five transit agencies to enhance the livability and economic vitality of the communities they serve. This is a landmark project for Oregon and model for other communities and transit providers in the rest of the nation. This project is unique in the breadth of its objectives for inter-agency coordination, branding and marketing transit service in all five counties as a single seamless service, reducing fossil fuel consumption and greenhouse gas emissions, using transit as an asset for economic development, and establishing private-public partnerships for sustainable funding.

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2014 Award Recipients

Continued from page 13

Environmental Management Award

Project Name:

GREEN TO THE RESCUE – AIR STATION BORINQUEN RENEWABLE ENERGY

Presented To:

Air Station Borinquen and Civil Engineering Unit (CEU) Miami

Description of Project:

Capitalizing on the abundance of sunshine throughout the year in Puerto Rico it would harness that energy and convert it to electricity through solar panel systems. Air Station Borinquen entered into an Energy Savings Performance Contract (ESPC), the largest photovoltaic endeavor ever for the Coast Guard and the largest Energy Savings Performance contract from Schneider Electric.

Partnering with US Coast Guard Headquarters officials, the Department of Energy and Schneider Electric, Air Station Borinquen entered into a \$58.8 million dollar contract for the installation of new cool roofs and solar panels on more than 300 Air Station Structures. The project execution was the first of its kind for the Federal Government resulting in a 40% reduction in energy costs equating to a \$1.1 million dollar annual savings over a 23 year performance period. The Energy Savings Performance Contract also included installation of variable refrigerant volume air conditioning, building automation system upgrades, lighting retrofits, solar window tinting and water conservation measures. More than 300 Photo Voltaic (PV) systems were installed on the facilities producing more than four million kilowatt-hours annually.

By reducing energy consumption and developing renewable energy solutions in Puerto Rico, the Coast Guard has met federal mandates, reducing green house gas emissions and stabilizing energy costs.

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2014 Award Recipients

Continued from page 14

NEPA Excellence Award

Project Name:

Burning Man 2012-2016 Special Recreation Permit Environmental Assessment

Presented to:

Winnemucca District, Bureau of Land Management, Black Rock City LLC, Aspen Environmental Group

Description of Project:

Burning Man is a world famous week-long event in western Nevada that is a combination art festival, social event, and experiment in community living. Held since 1990, Black Rock City LLC applied to the Bureau of Land Management (BLM) for a Special Recreation Permit to continue the event from 2012 to 2016 on portions of the Black Rock Desert National Conservation Area. Aspen Environmental Group assisted the BLM with preparation of an Environmental Assessment using innovative methods to quantify impacts of the event and to mitigate the effects of this large-scale, temporary, “city”. In addition to new data collected during the 2011 event, the EA analysis also uses in-depth historical data collected by volunteers and event participants. On July 23, 2013, BLM approved a four-year Special Recreation Permit to host the Burning Man event on the Black Rock Desert through 2016, with a maximum population limit of 68,000 participants for the 2013 event.

Public Involvement Award

Project Name:

Regional Connector Transit Project

Presented to:

Ann Kerman - Metro Community Relations, Dolores Roybal Saltarelli – Metro Planning

Description of Project:

The Regional Connector Transit Project will allow a seamless “one-seat ride” through downtown Los Angeles, north-south between Azusa and Long Beach, and east-west between East Los Angeles and Santa Monica. This two-mile gap closure in the region’s light rail system will provide continuous through-service spanning 50 miles north to south, and 25 miles east to west, improving access to both local and regional destinations.

The community in the project area, Little Tokyo, is one of only three remaining “Japantowns” in the United States. Having recognized the potential environmental justice concerns and community impacts of the Regional Connector, Metro proactively engaged the Little Tokyo community in a focused and collaborative dialogue during the NEPA process in order to address their concerns. Metro further provided funding to hire a consultant to assist the community in acquiring an in-depth understanding of the NEPA process and, in partnership with area leaders, facilitated a community-led process to develop mitigation measures reflective of community needs. This ongoing work led to the development of the Fully Underground LRT Alternative, a new alternative that not only was acceptable to Little Tokyo stakeholders, but also generated widespread enthusiasm and support for the Regional Connector project.

Best Available Technology Award

Project Name:

Smithfield-Farmland Fresh Meat and Packaged Foods Groups — “From Goals to Riches — Stewardship, Recycling, and Replacement Bring Us Closer”

Presented to:

Casings Water Reduction— Milan Missouri, Meatball Reformulation Reduces Water Pollutants – Arnold Pennsylvania, Water Quality Hands On Training at Schools – Smithfield, VA, Waste Not, Garden Spot – Crete, NE

Description of Project:

Each year, each Smithfield-Farmland plant invests in our future through environmental projects that focus on the sustainability goals that are common for all locations: 10% reduction in water, energy and solid waste to landfills, and a commitment to be a helpful part of the communities in which we work. The casings project in Milan, MO, reduces water usage by filtering and reusing it. The meatball reformulation project in Arnold, PA, was initiated by wastewater challenges from use of a liquid colorant. Instead, they formulated a dry ingredient as a replacement. The Smithfield, VA, location educates hundreds of school children every year about water quality, and oil spill cleanup techniques. The Crete, NE, hog processing facility composts livestock trailer wastes into fertile materials that have been used for community beautification projects, including tree planting on site.

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2014 Award Recipients

Continued from page 15

Conservation Programs Award

Project Name:

Green India – Protect Nature, Protest Pollution

Presented To:

Green India Trust, Dr. Chilukoti Murali Krishna

Description of Project:

Green India Trust started in 2008 and is projecting awareness to everyone about a cleaner and environment friendly world. Dr. Ch. Murali Krishna developed the concept of “Billion Tree Plantation” aiming to achieve a plantation of one billion trees throughout India. Billion Tree Plantation has their own nurseries and green houses where seedlings are nurtured into plants that can sustain natural growth. The plants are then distributed to various organizations, Government and Non-Government Based Institutions to be planted around their premises and surroundings. A key component to this project has been the planting of palm trees around the coastal belt, beach sides and areas prone to flooding to help reduce the damage caused by heavy rain fall and floods. This now covers 30 km along the Eastern Coast of South India.

Education Excellence Award

Project Name:

Susie and Jerome Learn about a Healthy Home – developed by the Healthy Environments for Children Initiative, Department of Extension, University of Connecticut

Presented to:

University of Connecticut: text by Joan Bothell and Mary-Margaret Gaudio, illustration and design by Kevin Noonan, animation by Anthony Russello, voiceover direction and editing by Karen Ryker, voices by Briana Maia, Julia Estrada, Colleen Labella, and Adam Schneemann

Description of Project:

According to the U.S. Environmental Protection Agency, most people spend more than 90% of their time indoors—much of that time in their own homes. Environmental concerns in the home include indoor air quality, lead poisoning, toxic household products, mold, asthma triggers, tobacco smoke, and pests. A healthy home—one that is clean, dry, and safe, with fresh air, no pests, and no dangerous chemicals, and in good repair—helps to reduce the risks of exposure to environmental health hazards.

The *Susie and Jerome* materials teach children and their adult caregivers (such as parents or guardians, teachers, librar-

ians, and childcare providers) the key principles that make a home healthy, as well as some practical ways to implement these principles. The materials include an illustrated rhyming book, a teacher’s guide and children’s activity book, and an animated video (<http://www.youtube.com/watch?v=48XQ6glxQGM>). These materials were developed by the Healthy Environments for Children Initiative (HEC) (www.hec.uconn.edu), in the Department of Extension, University of Connecticut. HEC designs and develops programs and materials in various areas related to children’s environmental health.

Environmental Stewardship Award

Project Name:

Public Building Commission of Chicago Environmental Program

Presented To:

Public Building Commission of Chicago, Rahm Emanuel, Chairman, Erin Lavin Cabonargi, Executive Director

Description of Project:

The Public Building Commission of Chicago’s environmental program demonstrates excellence in meeting the challenges posed by environmentally contaminated project sites throughout the City of Chicago and Cook County. PBC’s environmental mission goes beyond the remediation of individual project site and supports the environmental and economic health of the larger community as well. With urban development sites that are typically located in areas challenged by industrial contamination, and in neighborhoods suffering from blight, PBC’s environmental program serves as a catalyst of positive development and brings vital community anchors into neighborhoods throughout the city.

Two projects to demonstrate PBC’s ability to deal with complex environmental concerns are the development of Back of the Yards Campus: Chicago Public School, College Preparatory High School and Chicago Public Library, Branch Library and the remediation of the future Whitney Young Library site.

The Back of the Yards Campus RACR demonstrates the previous environmental site conditions and remedial actions for the site attained by the PBC in accordance with the remedial action plan provided to the Illinois Environmental Protection Agency. It also demonstrates the redevelopment of this former 10-acre brownfield into a new LEED Silver high school with associated athletic field, softball field, landscape play area, tennis courts, raised garden, community library and parking.

The Whitney Young remediation design and Green Remediation Evaluation report demonstrates the “greener” site



2014 Award Recipients

Continued from page 16

remediation of a former dry cleaning site with extensive contamination. This report will be used by the USEPA as a pilot for other municipalities to highlight green remediation is possible using available technologies outside of the standard cut/fill methods notoriously used on remediation sites.

Planning Integration Award

Project Name:

Louisiana's Comprehensive Master Plan for a Sustainable Coast

Presented to:

Coastal Protection and Restoration Authority

Description of Project:

Louisiana's Comprehensive Plan for a Sustainable Coast (2012 Coastal Master Plan) is one of the nation's largest environmental planning efforts that creates a more sustainable Louisiana Coast and enables communities to adapt to a changing landscape. The 2012 Coastal Master Plan has developed a dramatically different approach through its long-term, comprehensive vision for the future. The Master Plan is based on a two-year analysis involving some of the state's best scientists, national and international specialists, as well as feedback from hundreds of local stakeholders and citizens. The state used this analysis to select 109 high performing restoration and protection projects that could deliver measurable benefits to our communities and coastal ecosystem over the coming decades. The plan shows that if these projects were fully funded at a price tag of \$50 billion, we could reduce land loss and increase flood protection to create a more sustainable coast. In the face of devastating coastal erosion and climate change, the plan boldly offers solutions that will preserve our nation's energy and economic security, restore the health of the Gulf region, and create more resilient coastal communities.

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NAEP/APU Three-Part Webinar Series 2015



American Public University

APU and NAEP are collaborating on this 3-part series focused on professional development for environmental professionals; helping you to develop the critical skills you need to be successful in your career.

Below is a list of the topics of the 2015 webinars:

- **Part 1: Environmental Conflict Resolution** — **Wednesday, February 18, 2015**

ON DEMAND RECORDING AVAILABLE AT <http://www.apu.apus.edu/lp2/webcast/NAEP-2015/part-1.htm>

- **Part 2: Leadership and Self-Management Skills** — **Wednesday, July 15, 2015, 12:00 p.m. – 1:15 p.m. ET**

- **Part 3: Managing Effective Meetings** — **Wednesday, November 11, 2015, 12:00 p.m. – 1:15 p.m. ET**

To register click this link below: <http://www.apu.apus.edu/lp2/webcast/NAEP-2015/index.htm>

Part 1: Environmental Conflict Resolution

Wednesday, February 18, 2015

ON DEMAND RECORDING AVAILABLE AT <http://www.apu.apus.edu/lp2/webcast/NAEP-2015/part-1.htm>

This webinar will focus on describing the importance of developing environmental conflict resolution skills for new and advancing environmental professionals. Our panel of industry experts will share the top environmental conflict resolutions strategies and best practices that environmental professionals can consider and apply in order to help you improve this critical skill in your job and overall career, as follows:

Topics include:

- Overview of environmental conflict resolution as a critical skill to position you for career advancements in the industry.
- Defining the principles underlying environmental conflicts and the importance of a systemic approach to working towards a resolution.
- Top 5 tips for environmental professionals to consider when negotiating and making decisions involving conflict situations.
- Share best practices for mediation.
- Learn techniques to help you arrive at cooperative solutions to unresolved environmental conflicts.
- Opportunities for advancement and additional resources whether you desire to learn a little more about developing this skillset or seek specialization in this area.



NAEP/APU Three-Part Webinar Series 2015 *Continued from page 18*

Speakers:

- Peter B. Williams, Ph.D. - Director, US Institute for Environmental Conflict Resolution, Morris K. Udall and Stewart L. Udall Foundation
- Anthony F. Maciorowski, Ph.D. - Associate Director for Science, U.S. Environmental Protection Agency, Washington, D.C.

Leadership and Self-Management Skills

Wednesday, July 15, 2015, 12:00 p.m. – 1:15 p.m. ET

Leadership and self-management skills are incredibly critical for the success of environmental professionals today. For this webinar, our top experts will give you best practices and tips for how to improve your leadership and self-management skills for overall success in your workplace and long-term career opportunities, as follows:

- Industry experts share their best practices for leadership in the workplace.
- Cover how to manage yourself properly and what are the expectations from the employer and client perspectives.
- How to foster opportunities for collaboration and make significant contributions as part of a team or as a leader of a team.
- Tips on how to lead confidently and successfully as well as gather appropriate support.
- Become the expert and a great leader by always offering a positive solution.
- Being a good listener, exercising great communication skills, and keeping your promises among other factors are critical.
- Take the extra step for your employer and clients to earn trust and leverage your projects.
- Gain critical information and resources to improve on these skills from a professional development perspective.

Speakers:

- Ron Deverman - Principal Environmental Planning Manager, HNTB; Former NAEP President
- Kris Thoemke, Ph.D., CEP - APU Faculty Member and Senior Scientist at Coastal Engineering Consultants, Inc. (CEC)
- Marie Campbell - President, Sapphos Environmental Inc. and second term as At-Large Board Member for the National Association of Environmental Professionals (NAEP)
- Bruce Hasbrouck, CEP - Vice President at Faller Davis & Associates and Environmental Services Director and NAEP Board Member

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NAEP/APU Three-Part Webinar Series 2015 *Continued from page 19*

Part 3: Managing Effective Meetings

Wednesday, November 11, 2015, 12:00 p.m. – 1:15 p.m. ET

Our panel of industry experts will cover the top tips for environmental professionals to help you manage meetings more effectively including ways to be more strategic, confident, persuasive, and therefore, more successful as you interact in professional meetings, as follows:

- Cover the critical qualities and skills for managing effective meetings.
- Address best practices on how to put your goals and thoughts into a compelling and engaging meeting.
- Know what you want to get out of it, make an effort to learn details about your topic and stakeholders, then address them appropriately considering their level of knowledge and effective use of everyone's time.
- Set expectations in advance and if needed send appropriate materials in advance so stakeholders can come ready to the table.
- Think as a project manager and make sure to cover all the meeting details ahead of time.
- Anticipate all questions and be ready to address them.
- Be prepared and rehearse to convey your important messages.
- Attend to complex meetings with enthusiasm to generate proper collaboration from attendees.
- Thank everyone for their contributions and make sure to send detailed meeting notes of what has been agreed upon, next steps and proper follow-up.

Speakers:

- Bill Plumpton, CEP - NAEP Board of Director and Environmental Planner at Gannett Fleming Inc
- Kris W. Thoemke, Ph.D., CEP - APU Faculty Member and Chairman of Academy of Board Certified Environmental Professionals' (ABCEP) Credentials Review Board (CRB) and an Ex-Officio member of the ABCEP
- Robert P. Morris, JR., PE, PMP - Program & Project Management Division
- Fort Worth Engineer District

Please Save The Dates for these upcoming NAEP webinars.

- May 6, 2015 – NAEP NEPA Case Law, Part 1
- May 13, 2015 – NAEP NEPA Case Law Part 2
- June 24, 2015 – NAEP/Vermont Law School: Part 1: Supreme Court Wrap-up

More information about these webinars will be distributed by email and will be available at www.NAEP.org in the next few weeks.



NAEP Announces sales of past webinar recordings

NAEP has recordings available for the past webinars. The recordings are available for purchase and viewing. Below is a list of the available webinars. More recorded webinars will be added so please check back.

- Consultation Under Section 7 of the Endangered Species – Webinar Date: March 25, 2015
- Guidance on Effective Use of Programmatic NEPA Reviews – Webinar Date: February 25, 2015
- CEQ Revised Draft Guidance on Integrating Analysis of Greenhouse Gases and Climate Change in NEPA Documents – Webinar Date: January 28, 2015
- Practical Improvements for Better Implementation of NEPA – Webinar Date: December 10, 2014
- Valuing Functions and Values of Ecosystems in Environmental Planning and Analysis – Webinar Date: November 9 2014
- Disaster Preparedness, Planning, and Recovery – Webinar Date: September 17, 2014
- A Smarter, Greener Grid (co-sponsored by Vermont Law School) – Webinar Date: June 25, 2014
- NEPA 2013 Legal and Regulatory Update – Webinar Date: May 21, 2014
- Sustainable Remediation – Webinar Date: March 12, 2014
- The National Environmental Policy Act and Sustainability – Webinar Date: January 8, 2014
- Guiding Ideas in Transportation Planning – Webinar Date: November 13, 2013

Each webinar lasts between 55-80 minutes and has industry experts presenting. For more detailed information on any of the recorded webinars just click the webinar title above.

FOR MORE INFORMATION PLEASE VISIT WWW.NAEP.ORG

The recorded webinar is meant to be viewed once and in its entirety. The link and code that you will be provided will last for 4 hours so if you get interrupted you will have time to come back to the webinar. After you register you will receive connection information and a link to the materials in 48hrs or less.

One of the great things about these webinars is you can share the information with other people in your office. Simply decide when you will be watching the webinar, reserve a room with a projection system and you can train multiple employees for a minimal investment with no travel costs and very little time away from your desk.

For more information, please contact Tim Bower at (856) 283-7816 or email at naep@naep.org



NAEP National Desk

The *National Desk* newsletter is NAEP's bi-weekly (26 issues per year) newsletter on national environmental news, policy developments, and regulatory and legislative updates affecting the environmental professional. The *National Desk* is available to members through a licensing agreement with Environment and Energy (E&E) Publishing to reprint a small selection of articles from E&E's suite of five daily online publications.

ENERGYWIRE

EnergyWire is designed to bring readers deep, broad and insightful coverage of the transformation of the energy sector. EnergyWire focuses on the business, environmental and political issues surrounding the rapidly expanding unconventional energy industry and the numerous factors — from expanding natural gas use to renewables and more — that are altering the traditional electric utility industry. www.energywire.com

ClimateWire

ClimateWire is designed to bring readers unmatched coverage of the debate over climate policy and its effects on business, the environment and society. Climate issues have become so pervasive, and our clients' interest in climate change has become so intense, that developing ClimateWire became an inevitable means to expand and enhance E&E's already top-tier coverage of this critical issue area. www.eenews.net/cw

ENVIRONMENT & ENERGY DAILY

Designed for policy players who need to know what's happening to their issues on Capitol Hill. From federal agency appropriations to comprehensive energy legislation, E&E Daily is the place insiders go to track their environmental and energy issues in Congress. www.eenews.net/eed

Greenwire

The one-stop source for those who need to stay on top of all of today's major environmental and energy action. With an average of more than 25 stories a day, Greenwire covers the complete spectrum, from electricity industry restructuring to Clean Air Act litigation to public lands management. www.greenwire.com

E&ENEWS PM

A late afternoon roundup providing coverage of all the breaking and developing policy news from Capitol Hill, around the country and around the world. A must-read for the key players who need to be ahead of the next day's headlines. www.eenewspm.com

E&E's 65-person editorial staff provides unrivaled, in-depth reporting on national and international energy and environmental developments. The *National Desk* represents only a small fraction of E&E reporting. If you haven't visited E&E's online portal, we encourage you to do so. As part of the licensing agreement, E&E Publishing offers NAEP a discount on new subscriptions. Please see www.eenews.net/trial/naep for more information.

Volunteer Newsletter Coordinators Sought

Interested in serving as an NAEP *National Desk* newsletter coordinator? The coordinator reviews E&E's five daily publications to identify potentially suitable stories for the *National Desk*, prepare the draft newsletter, and submits to NAEP. The position requires the ability to review E&E's publications on a regular basis, a couple of hours per issue to prepare the newsletter layout, and familiarity with Microsoft Word. A minimum three month commitment is requested. Please contact Tim Bower (naep@naep.org) or Ron Lamb (ronaldlamb@comcast.net) to learn more.



Even After 40 Years, We Still Need Articles

Here we are entering the 40th year of our organization and I am impressed with where we are. Speaking only from my experience on the newsletter, the quality of this particular publication is continually improving.

The run I have had as the Editor of the NAEP ENews has been amazing. I know that when I took on the job, NAEP had continued to publish a newsletter, but had not done a really good job of soliciting articles from the membership and other industry related authors. It seemed that we were stuck in a place where our managing director was left holding the bag and there was no one on the Board or in the membership who was willing to put the time into making the newsletter better. While it was interesting to get caught up on some of the happenings and people news, I felt that if we were going to put something together we really should try to publish something worth the time to read.

I do want to clarify that the newsletter has not always been a struggling enterprise. At a recent Board meeting it was pointed out to me that we have had some distinguished editors who have kept this publication going and provided great leadership. John Dougherty is one of them who comes to mind immediately. There have been others. As an aside, I would love to have former editors write articles about the newsletter and some of their ideas as to where we need to be going. For that matter, I would welcome that type of input from anyone. Possibly we could get old articles from past newsletters and republish them to give folks an idea of who we have been for the past 40 years.

As the editor I have been lucky enough to meet just the right people at conferences or meetings who were motivated enough to write an article. I had some people write articles in response to others, and I love those. What I am looking for is a wider group of contributors, say the entire membership of NAEP and the affiliated chapters! If you look around at any meeting of professionals, there are a truly awesome collection of experienced and intelligent folks in attendance. We are really fortunate in NAEP to have national level expertise anywhere we go. What I would like each member to do is to get those interesting people to contribute to the newsletter.

Each of us has regular interaction with other professionals. These meetings can be an opening for each of you to approach another professional, give them your card and solicit an article. After that the ice is broken and you can get to know them better. And isn't that what networking is all about? Our meetings are a way to get to know an enormous number of really talented individuals.

At the recent conference I ran across two students from the American Public University who were passionate about the Student chapter that had formed and is flourishing at APU. They had several ideas about how they would love to see the student chapters interact with each other. I invited them to get together and write something for us all to read and implement. This is the way we can move forward and help NAEP accomplish many of our goals. We really need more volunteers and the positions can be invented as we find a champion for a cause.

I have had some contributors who presented at the conference and I requested an article on the presentation content. These have been especially inspirational to me. There is a list of folks I have approached, but I also understand that we lead hectic professional and personal lives. So each month or so I email them and remind them that I am still ready to receive their writings. If you are on that list (tap, tap, tap, I am waiting...) I know you are busy and will gently remind you periodically. If you are not on the list, make it easy on yourself and write something before I have to get more obnoxious.

This is YOUR newsletter. As the Editor I am depending on the membership to help make this a premier publication of the premier Environmental Professional Association.

Here is what I am looking for: approximately 1,500 to 3,500 words (2 – 6 pages), MS word format. The content is up to you. Controversial issues are welcome. I am hoping to eventually receive letters to the editor where these articles can be discussed. Please keep the discussion respectful and we can all learn.

If you read our last newsletter you were a witness to a bit of history...we were cited in an article written originally for the Environmental Law Reporter. This turn of events should interest us all. The idea of a practitioner focused publication has finally been achieved. It has been interesting to get the number of articles and the amazing variety of articles. Some have been sent to me after publication of the most recent newsletter. Some have been requested by me as I peruse the information that comes to me daily.

Keep the articles and ideas coming; there is ALWAYS room for your voice. If you are not sure whether your idea or article can be included, please contact me and we can flesh it out together. This newsletter is getting better and I want all of us to feel we are a part of this.

I am not much of a censor, so as long as the article is free of vulgar language, I believe it can be something we can all benefit from.

Paul B. Looney, CEP, CSE, PWS, NAEP Newsletter Editor
paul.b.looney@gmail.com



NAEP is pleased to announce that we are instituting a new membership recruitment program!!

This new recruitment program is called the “Member Get A Member” program. NAEP appreciates all the support you have provided to the organization over the years and also realizes that you are uniquely qualified to help NAEP grow so we can continue to expand the services we offer our members. To put it simply more NAEP members means greater resources and that will help NAEP remain a resource for you.

The program is very simple and will also provide you a way to save money on NAEP membership and educational programs. This includes both the Annual Conference and Webinar registration fees. For every new General, Associate or Senior member that you recruit you will receive \$25 NAEP “Bucks” that you can use to trade in to help reduce your membership or education costs for any NAEP programs. There is not a limit to the number amount of “bucks” that you can accumulate so there is a possibility that you could fund your membership and conference registration through this program.

The Grand Prize

The person who recruits the most new members in 2015 (minimum of 5 new members required to be eligible for the grand prize) will win either a free conference registration for 2016 (travel expenses would be your responsibility) or registration to 6 webinars in 2016. This prize is in addition to the “bucks” that you would accumulate.

How the program works

As you talk with professional colleagues that would benefit from NAEP membership and the benefits and resources that

we offer just tell them about NAEP, why you are a member and what you get from your affiliation with NAEP. If the person is interested in joining simply give them a printed membership application or tell them to go on-line to join. When the new member joins NAEP they just need to put your name in the “Recommended by” field. If using the printed application they

need to add you name to the field on page 4 of the application. This is important since them providing your name will make sure you get the NAEP “Bucks”.

Detailed instructions on how people can join online are below:

- Go to www.naep.org.
- Click the “Join Us” button in the top menu bar.
- The new member needs to enter their email address and the new member application will come up.
- The new member needs to complete the form and make sure they put your name in the “Recommended by:” field that is on the first page of the membership application.
- The new member can pay on-line by credit card or they can send in a check later.
- The person is now a member of NAEP and you will receive \$25 in NAEP “Bucks” to spend on NAEP membership or educational programs.

If you want to print out the membership application for any colleagues please use the link below. Please remember to have them place your name on page 4 of the application after they sign the Code of Ethics. Or if you want to print out a few copies of the application and distribute them you could pre-fill your name in that field. The membership application is on the website (www.naep.org) and click the “Membership” selection on the side menu bar.

At the end of each quarter you will receive an email which includes the names of the new members you have recruited and the amount of NAEP “Bucks” you have remaining to be used. Any questions about the program please call Tim Bower at 856-283-7816 or by email at naep@naep.org.

** A new member will be defined as a member that has not been an active NAEP member for the last 2 years.



Get your CEP — Save Thousands of Dollars

The Academy of Board Certified Environmental Professionals (ABCEP) has just partnered with American Public University (APU) to allow up to 6 transfer credits to those who hold the Certified Environmental Professional (CEP) credential. The value of these credits can substantially reduce the cost of a Masters of Science Degree in Environmental Policy and Management or can serve to offset elective credits in other Masters programs at APU.



Certifying Environmental Professionals since 1979

To find out the details, go to <http://www.apus.edu/TransferCredit/accepted/graduate/internal-policies/abc-env-prof.htm> or visit the ABCEP website: www.abcep.org.

Some information on APU:

- It is the first, fully online university to receive the Sloan Consortium's (Sloan-C) Ralph E. Gomory Award for Quality Online Education (2009) and two-time recipient of the Sloan-C Effective Practice Award (2009-2010).
- APU has more than 150 degree and certificate programs as well as online courses to help with certifications and professional development in subjects ranging from Environmental Hazard Mitigation and Restoration (Grad Cert); Environmental Planning and Design (Grad Cert); Environmental Policy and Management (Capstone, MS); Environmental Risk Assessment (Grad Cert); Environmental Science with four concentrations (BS), Environmental Sustainability (Grad Cert); Environmental Technology (Undergrad Cert), Fish and Wildlife Management (Grad Cert, Undergrad Cert), Transportation & Logistics, Business Administration, Information Technology, and many others.
- APU's combined undergraduate tuition, fees and books are roughly 20% less than the average 4-year public university's in-state rates, helping to maximize your tuition assistance program. (The College Board, *Trends in College Pricing 2011*, October 2011.)
- APU will carefully evaluate prior learning, including eligible on-the-job learning, for the award of academic credit.

This gives you another excuse to apply for your CEP today.



Please Donate to the James Roberts Scholarship Fund



You may not have known him.

Yet you were certainly influenced by him.

Honor his legacy.

*Donate to the James Roberts
Scholarship Fund TODAY.*

Jim Roberts travelled far and wide to espouse the worth of living an ethical life, including the way you performed your job. He lived the Code of Ethics and Standards of Practice for Environmental Professionals.

NAEP has developed the James Roberts Scholarship Fund to assist promising individuals while they are still in school. This is your opportunity to preserve and extend the legacy of Jim Roberts.

All donations are tax-deductible. Go to NAEP.org and click Scholarship Foundations to make your contribution. You can also donate when you renew your NAEP membership.

Thank you,
Gary F. Kelman, Chair

James Roberts Scholarship Committee
Mel Willis
John Perkins
Bruce Hasbrouck
Teri Hasbrouck



Become a Certified Environmental Professional (CEP)

OBTAIN THE RECOGNITION YOUR CAREER DESERVES:

- *Do you have an environmental certification? Good*
- *Does this environmental certification measure your experience and depth of knowledge, not just facts? Yes*
- *Does this environmental certification include an objective peer review of your abilities? Yes*
- *Is your environmental certification accredited by a third-party certifying body? Yes*
- *Then your environmental certification must be a CEP from The Academy of Board Certified Environmental Professionals (ABCEP).*



Certification is available in five areas:

- Assessment
- Documentation
- Operations
- Planning
- Research/Education

Beginning in 1979, experienced environmental professionals were able to become certified through a comprehensive peer review addressing years of experience, responsibility, and knowledge. Certifications are nationally-recognized and available for a wide range of eligible professionals including:

- Federal/state/local agency staff - Consultants - Researchers - Compliance managers
- Enforcement officials - Activists

Initially offered as a certification through the National Association of Environmental Professionals (NAEP), the Academy of Board Certified Environmental Professionals (ABCEP) established organizational independence in 1993. In 1999 ABCEP became a nonprofit organization. In 2005, the ABCEP achieved accreditation by the Council of Engineering and Scientific Specialty Boards (CESB – www.cesb.org)

The ABCEP CEP brings heightened confidence in the professional quality of documents, evaluations, and decisions. Certified individuals satisfy the professional requirements outlined by the USEPA, ASTM, and other regulatory agencies, providing assurance to employers and customers. For the individual, certification increases opportunities for promotions, marketability, and career advancement. Certified individuals maintain their knowledge, experience, and credentials through continuing education, teaching, mentoring, publishing papers, and complying with the Code of Ethics.

Become a CEP-IT: The ABCEP offers mentoring and a CEP-In Training (CEP-IT) designation to junior and mid-level professionals developing towards CEP eligibility. The CEP-IT increases individual and firm marketability, enhanced career opportunities, and enhanced networking opportunities.

More Information: Contact ABCEP at office@abcep.org; www.abcep.org; or 1.866.767.8073 Do you have an upcoming meeting and need a speaker? Speaker opportunities by CEPs about ABCEP are available in certain geographic locations.



Charting the Next 40 Years of Environmental Stewardship



National Association of Environmental Professionals
Annual Conference April 11 - 14, 2016
Chicago, Illinois

Call for Papers

Abstracts will be accepted for oral presentations, posters, workshops, and special sessions in the following topics:

Built Environment
Cultural & Historic Resources
Climate Change
Ecosystems
Endangered Species Act
Energy
Great Lakes Issues

NEPA
Public Involvement
Remediation
Sustainability
Transportation
Upcoming & New Regulations
Water Resources

Submit abstracts to www.naep.org/2016-conference.

Questions? Contact Rona Spellecacy at NAEP2016@hdrinc.com
or 206.826.4728.

The submission deadline is September 30, 2015.

Call for papers for publication in the scholarly journal:
ENVIRONMENTAL PRACTICE

The journal of the National Association of Environmental Professionals

TRANSPORTATION
vol. 17 no. 4 (December 2015)

Transportation systems are critical to our economy and way of life. Transportation systems can also have significant environmental impacts. Transportation accounts for about 72% of total U.S. petroleum consumption and 33% of total greenhouse gas emissions. Transportation infrastructures have also displaced and fragmented habitat. Finding sustainable transportation solutions is a continuing challenge for environmental professionals.

The December 2015 issue of *Environmental Practice* is devoted to the subject of Transportation. We welcome a variety of perspectives from scholars, practitioners, and students in a variety of fields.

**Deadline for submittals is
May 15, 2015 to
dcarro17@depaul.edu**

**Sample issues of the journal
can be found at:**

[http://journals.cambridge.org/action/
displayJournal?jid=ENP](http://journals.cambridge.org/action/displayJournal?jid=ENP)

**Guidelines for publication can
be found at:**

[http://journals.cambridge.org/action/
displayMoreInfo?jid=ENP&type=ifc](http://journals.cambridge.org/action/displayMoreInfo?jid=ENP&type=ifc)

For questions, please contact
Dan Carroll, Managing Editor, at
773-325-2298, or by email at
dcarro17@depaul.edu

Specific topics that could be addressed include, but are not limited to:

- i. Green infrastructure, and the use or application of Green Infrastructure as a partner to environmental analysis
- ii. HOV tolling
- iii. Civil rights application in transportation
- iv. Planning and environmental linkages; better planning for NEPA
- v. Communication between decision-makers and the public, specifically with regard to modeling
- vi. Health benefits of transportation; improving transportation systems for health and public welfare; children's health
- vii. Health impact assessment, within and outside of NEPA
- viii. Climate change analysis
- ix. Environmental Justice in tolling; the use of title 6 as a challenge to highway projects
- x. NEPA document quality; push to make documents shorter and more readable, and what are the consequences to transportation projects
- xi. NEPA assignment; when the state takes over responsibilities from Federal Highway Administration
- xii. Multi-level projects; how does DOT handle a project when it involves more than one agency?
- xiii. NEPA for projects that are going through DOT discretionary approval



Membership Benefits

Who We Are:

- We are a multidisciplinary, professional environmental association.
- We are dedicated to the promotion of ethical practices, technical competency and professional standards in the environmental fields.

What We Stand For:

- We stand for Integrity in the environmental professions.
- Our foundation is our Code of Ethics and Standards of Practice.
- As environmental professionals, we serve the public, our employers, and our clients with integrity, fairness and technical objectivity.

What We Do:

- We work for a diversity of employers, including government, industry, consulting, academia, and the private sector.
- We work in varied disciplines: air, water, noise, waste remediation, ecological resources, transportation, NEPA, sustainability, and education.

How You Benefit:

- Annual Conference brings together nation's top environmental professionals
- Timely research through our peer-reviewed journal, Environmental Practice
- Access to Best Practices through our national committees
- Professional networking opportunities and activities through state and regional chapters
- On-line career center tailored to the environmental professions
- Bi-monthly eNews featuring research findings, perspectives and chapter activities
- Bi-weekly National Desk newsletter featuring reporting from the publisher of GreenWire and ClimateWire
- Educational webinars on diverse topics such as new regulations and guidance, review of recent case law, and other emerging issues
- Member enjoy discounts on conference, regional and local programs, and members-only page on our website www.naep.org

How We Are Unique:

- Interdisciplinary environmental practitioners
- Strong professional conduct through our Code of Ethics
- Achievement recognition through our Environmental Excellence Awards

Affiliated Chapters:

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|--------------|------------------|---------------|
| • Alaska | • Hawaii | • North Texas |
| • Arizona | • Illinois | • Northwest |
| • California | • Mid-America | • Texas |
| • Florida | • Mid-Atlantic | |
| • Georgia | • North Carolina | |

JOIN NAEP NOW!! To join NAEP and one of our affiliated chapter, go to www.naep.org