UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Dr. Jonathan Burbaum, Program Director
Advanced Research Projects Agency – Energy (ARPA-E)
U.S. Department of Energy
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Dear Dr. Burbaum:

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality's (CEQ) NEPA regulations, the Environmental Protection Agency (EPA) has reviewed the Department of Energy's (DOE) Engineered High Energy Crop Programs Draft Programmatic Environmental Impact Statement (PEIS), (CEQ # 20150009).

DOE's Advanced Research Projects Agency-Energy (ARPA-E) is considering a proposed action to implement one or more programs to catalyze the development and demonstration of engineered high energy crops (EHECs) through confined field trials in the Southeastern United States. Energy crops are crops grown specifically for their biomass or fuel value. A main component of the proposed EHEC Program would be DOE or other Federal or state agencies providing financial assistance for confined field trials to evaluate the performance of EHECs that will facilitate commercial development and deployment of biofuels. This draft PEIS addresses environmental impacts and issues at a broad, program level, and identifies a geographic area within which future proposed field trails may occur. It also identifies broad mitigation measures and best management practices that can be considered in future tiered NEPA reviews and possibly implemented during field trials. The geographic scope is limited to existing croplands, pasturelands, and forested areas. In addition, the draft PEIS focuses only on EHECs that are not food crops.

Our review has not identified any potential environmental impacts requiring substantive changes and we are rating the proposal as Lack of Objections ("LO") (see enclosed rating sheet). We appreciate the opportunity to review and comment on this document. If you have any further questions you may contact me or have your staff contact Marthea Rountree. She can be reached at (202) 564-7141.

Sincerely,

Susan E. Bromm
Director
Office of Federal Activities

Enclosure

SUMMARY OF EPA RATING SYSTEM

Rating the Environmental Impact of the Action

- **LO (Lack of Objections)** The review has not identified any potential environmental impacts requiring substantive changes to the preferred alternative. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposed action.
- **EC (Environmental Concerns)** The review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact.
- **EO (Environmental Objections)** The review has identified significant environmental impacts that should be avoided in order to adequately protect the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). The basis for environmental objections can include situations:
    1. *Where an action might violate or be inconsistent with achievement or maintenance of a national environmental standard;*
    2. *Where the Federal agency violates its own substantive environmental requirements that relate to EPA's areas of jurisdiction or expertise;*
    3. *Where there is a violation of an EPA policy declaration;*
    4. *Where there are no applicable standards or where applicable standards will not be violated but there is potential for significant environmental degradation that could be corrected by project modification or other feasible alternatives; or*
    5. *Where proceeding with the proposed action would set a precedent for future actions that collectively could result in significant environmental impacts.*
- **EU (Environmentally Unsatisfactory)** The review has identified adverse environmental impacts that are of sufficient magnitude that EPA believes the proposed action must not proceed as proposed. The basis for an environmentally unsatisfactory determination consists of identification of environmentally objectionable impacts as defined above and one or more of the following conditions:
    1. *The potential violation of or inconsistency with a national environmental standard is substantive and/or will occur on a long-term basis;*
    2. *There are no applicable standards but the severity, duration, or geographical scope of the impacts associated with the proposed action warrant special attention; or*
    3. *The potential environmental impacts resulting from the proposed action are of national importance because of the threat to national environmental resources or to environmental policies.*

Adequacy of the Impact Statement

- **Category 1 (Adequate)** The draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.
- **Category 2 (Insufficient Information)** The draft EIS does not contain sufficient information to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the proposal. The identified additional information, data, analyses, or discussion should be included in the final EIS.
- **Category 3 (Inadequate)** The draft EIS does not adequately assess the potentially significant environmental impacts of the proposal, or the reviewer has identified new, reasonably available, alternatives, that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. The identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. This rating indicates EPA's belief that the draft EIS does not meet the purposes of NEPA and/or the Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS.