

Office of Justice Programs Corrections Program Office

Standard Statement of Work For Preparation of an Environmental Impact Statement

1. PROPOSED ACTION AND ALTERNATIVES:

- a. **(Insert a paragraph that briefly describes the proposed action and its location as well as the alternatives and their locations.)**
- b. This Statement of Work (SOW) provides for the analysis of the potential environmental impacts resulting from the construction and the long-term operation of the above described proposed correctional facility as well as its alternatives, to include the no action alternative. Other actions covered by this SOW and, therefore, requiring assessment for both the proposed action as well as its alternatives are all related actions such as off-site projects to accommodate the needs of the proposed correctional facilities, (e.g. road and utility construction or expansion, projects or programs offered to the affected communities as an incentive to accept the new construction or expansion, and other reasonably foreseeable future actions. Reasonably foreseeable future actions include future phases of prison construction, especially when either the current acreage requirements or design capacities for utilities are based upon needs stemming from a future phase(s).) These other actions to be assessed in the environmental impact statement (EIS) to be produced by this SOW are listed immediately below. This combination of actions are hereafter referred to in this SOW as the proposed action and its alternatives.

(Insert complete list of these other actions and their locations, including those associated with the alternatives.)

2. SCOPE:

- a. This SOW is for the preparation an EIS to include the completion of the necessary environmental impact analyses and their appropriate documentation and review under the requirements of the National Environmental Policy Act (NEPA). The NEPA analysis and documentation will identify and evaluate all relevant impacts, conditions, and issues associated with the proposed action, and its alternatives in accordance with the President's Council on Environmental Quality's (CEQ) Regulations outlined in 40 CFR parts 1500 – 1508 , hereafter referred to as the CEQ regulations, the Department of Justice's procedures for implementing NEPA found at 28 CFR Part 61 and Appendix D thereto, and the attached Office of Justice's Corrections Program Office's (OJP/CPO) "Program Guidance on Environmental Protection Requirements".
- b. In addition to meeting the requirements of NEPA, the EIS must also document compliance with the related environmental impact analysis requirements of the following statutes and executive orders, to include their implementation regulations and guidelines: Coastal Zone Management Act; Coastal Barrier Resources Act;

Clean Air Act; Safe Drinking Water Act; Federal Water Pollution Control Act; Farmland Protection Policy Act; Endangered Species Act; Wild and Scenic Rivers Act; National Historic Preservation Act; Archeological and Historic Preservation Act; Executive Order 11988, Floodplain Management; Executive Order 11990, Protection of Wetlands; and Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

[The following optional paragraph must be used when the proposed action is located in a state or locality that has an applicable environmental impact analysis requirement(s) similar to NEPA's. Later in the text this optional paragraph is referred to as paragraph 2.c.]

- c. Additionally, this SOW also requires the Contractor to concurrently meet the environmental impact analysis requirements of (Insert name of state or local requirement(s) and any published guidelines or regulations for implementing the requirement(s).) This means that to the maximum extent possible, the environmental impact analysis, its documentation, and the associated public participation and inter-agency review and comment requirements of this referenced state or local requirement(s) must all be met concurrently with the preparation of the federal EIS and documented within that EIS. See the CEQ regulations and the attached OJP/CPO's *Program Guidance on Environmental Protection Requirements* for any further clarifications.
- d. The Contractor shall be responsible for the professional and technical accuracy of all work or services rendered. Products submitted by the Contractor shall fully meet the requirements of the (insert name of contracting authority, hereafter referred to as the Government). Submittals will be reviewed by the Government for compliance with its requirements and criteria. Errors and/or deficiencies resulting from the Contractor's performance shall be corrected by the Contractor at no additional cost to the Government.
- e. This description of the work and services provides the technical details expected from the Contractor. Any changes and additions to the contract scope must be authorized in writing by the Government's Contracting Officer.
- f. In completing this EIS, the Contractor will follow the technical criteria and guidance contained in the following documents: Council On Environmental Quality's Regulations For Implementing The Procedural Provisions of the National Environmental Policy Act; Council on Environmental Quality's "Forty Most Frequently Asked Questions"; Council on Environmental Quality's "Environmental Justice: Guidance Under the National Environmental Policy Act"; attached Office of Justice Programs Corrections Program Office's Program Guidance on Environmental Protection Requirements; U.S. Water Resources Council's Floodplain Management Guidelines For Implementing Executive Order 11988; and other published federal regulations and guidelines for implementing the requirements listed in paragraph 2.b. above. (If applicable, insert any regulations or guidelines for implementing the requirements of state or local environmental impact analysis requirements per paragraph 2.c. above.)
- g. The following list of specific tasks must be completed to fulfill the obligations of this SOW.

<u>Tasks</u>	<u>Description of Tasks</u>
1	Attend and Participate in Kick-off Meeting
2	Prepare Public Participation Plan
3	Prepare, Update, and Maintain Mailing Lists
4	Prepare Notice(s) of Scoping Meeting(s) and Issue Locally
5	Hold Scoping Meeting(s)
6	Prepare Scoping Report
7	Attend and Participate in Progress Review Meetings
8	Maintain Bibliography of References and Data Sources
9	Complete Inter-Agency Coordination, Documentation, and Data Compilation
10	Prepare Description of Proposed Action and Alternatives
11	Prepare Preliminary(s) Draft EIS
12	Prepare Draft EIS For Distribution
13	Prepare Draft EIS Notice of Availability and Public Meeting Notice(s) for Draft EIS and Issue Locally
14	Hold Public Meeting on Draft EIS and Prepare Summary Report
15	Prepare Preliminary(s) Final Environmental Impact Statement
16	Prepare Final Environmental Impact Statement For Distribution
17	Prepare Availability Notice For Final EIS and Issue Locally
18	Draft Record of Decision and Issue Availability Notice Locally (Optional; grantee may want to this.)
19	Maintain and Provide Administrative Record
20	Prepare and Manage Schedule For EIS Process
21	Prepare Monthly Progress Reports
22	Attend Unscheduled Meetings

3. OBJECTIVE:

- a. The principal objective of this SOW is to provide the Government and the Department of Justice (DOJ) with NEPA analyses and documents which are complete, including objective appraisals of the positive and negative effects of the proposed actions, alternative implementation methods and sites, and mitigation measures. The EIS shall comply, both procedurally and analytically, with the requirements of the CEQ regulations (and if paragraph 2.b. applies, insert appropriate reference to applicable requirement(s)). It shall also contain analyses, documentation, and inter-agency reviews mandated by the requirements listed in paragraph 2.b above to include compliance with their procedural components. The EIS shall be legally sufficient to withstand a challenge in Federal court.

- b. The Government is the customer. However, this EIS is being prepared under the provision of NEPA that allows the Government, an agency of statewide jurisdiction with responsibility for the proposed action, to prepare a federal EIS. Consequently, the federal agency for whom the EIS is being prepared, the Office of Justice Programs, Corrections Program Office (OJP/CPO) within the U. S. Department of Justice (DOJ), will be closely involved in the EIS preparation process and will review the Contractor's work products and advise the Government on the acceptability of these work products. The draft and final EIS will be issued jointly by the Government , OJP/CPO, and any identified cooperating agency or agencies.

4. STUDY AREA:

The areas of interest for evaluation of environmental and socioeconomic effects shall be(insert a general description of the geographic areas and communities to be impacted by the proposed action and its alternatives).

5. COMPLETION DATE:

All work and services under this contract for the preparation of the EIS must be completed in accordance with the approved schedule for this SOW, with time lines for major events or milestones to be determined in accordance with paragraph 8. of this SOW.

6. DESCRIPTIONS OF TASKS:

The following section further defines the specific tasks that must be completed to fulfill the obligations of this SOW.

Task 1: **Attend and Participate in Kickoff Meeting.**

Appropriate personnel from the Contractor's staff will participate in a minimum one day meeting to be held either in the Government's office or in the vicinity of the proposed action and its alternatives, hereafter referred to as the Government's office, within X days of the Notice To Proceed(NTP). The meeting will be chaired by the Government and include the possible attendance of any initially identified cooperating State and Federal agencies. The Contractor must be prepared to actively participate in the meeting and lead a discussion of the total time frame for the preparation of the EIS as well as the time frame related to the scoping process.

Task 2: **Prepare Public Participation Plan.**

The Contractor will develop and implement this plan. The plan will include public involvement opportunities including public meetings, newspaper notices, and [**Optional** - news releases]. The Contractor will prepare a draft plan and coordinate its contents with all cooperating agencies prior to submitting it to the Government for its review and approval. Any Government comments will be incorporated into the final plan.

In developing the plan, the Contractor, with the assistance of the Government and the cooperating agencies, will identify all interested stakeholders for inclusion in mailing lists and will assure that adequate cross-sections of the public are represented including interested citizens and environmental organizations, any affected low income or minority populations, affected local, state and federal agencies, and any other agencies with jurisdiction or special expertise concerning the environmental impacts to be addressed in the EIS .

The plan will address the timing of mail distributions and public notices. The latter will be issued at least two weeks prior to the scheduled public scoping meeting(s) and concurrent with filing of the DEIS and FEIS, respectively. Notices will be published in the non-legal section of the newspaper(s) with copies sent to parties on the mailing lists. The DEIS newspaper notice will include both the notice of availability of the DEIS and the schedule and location(s) for the DEIS public meeting(s). The FEIS notice will notify the public of the availability of the FEIS. Notices will be drafted by the Contractor and submitted to the Government for approval prior to their release to the media. [**Optional** - Draft news releases will be submitted in time to accommodate processing by the Government for publication in the news media (minimum 30 days prior to

scheduled meetings or release of NEPA document). A total of 4 news releases will be prepared by the Contractor: one prior to the scoping meeting(s); one concurrent with filing of the DEIS and prior to its public meeting(s); one concurrent with filing the FEIS; and one concurrent with the completion of the Record of Decision].

The public participation plan will establish the appropriate format for each public meeting. At least two public meetings are envisioned, one for scoping purposes and one for receiving comments on the DEIS. All public meetings will be held near the location of the proposed action and its alternatives and in a facility convenient for the attendance of the affected public.

In order to comply with Executive Order 12898 regarding environmental justice concerns, the public participation plan will incorporate means to include potentially affected minority and low income populations within the public involvement program. Public notices will be bi-lingual, if an area affected by the proposed action or its alternatives has a large population of non-English speaking residents. The plan will also incorporate public participation and notice requirements that apply to the presence of specific environmental resources or conditions, such as those required by the executive orders on flood plain management and wetland protection. To the extent possible, these resource specific public participation/notice requirements will be completed concurrently with other public participation requirements. All public documents, notices, and meetings will be concise, understandable and readily accessible to the public.

Task 3: **Prepare, Update and Maintain Mailing Lists.**

The Contractor will prepare, continue to update, and maintain the active public mailing list, including all interested or affected agencies, interested parties, various news media and public libraries throughout the area of environmental impact, and individuals commenting during the scoping process or during public review of the DEIS. The public mailing list will be used for distribution of the notices of availability for the DEIS and FEIS, public meeting announcements, news releases, other notices to the public, and distribution of the DEIS and FEIS. The mailing list will be edited periodically to include those individuals responding to the scoping requests, other correspondents, and those individuals who attended public meetings; and to delete those requesting removal from the list, changes in addresses, and undeliverable addresses. Electronic versions of the mailing lists or printed labels will be provided to the Government upon request.

Task 4: **Prepare Notice of Scoping Meeting(s) and Issue Locally.**

The Contractor will be responsible for preparing and publishing the Notice of Scoping Meeting(s) in newspaper(s) of general circulation within the affected area(s). The notices will be published in these newspapers approximately 14 days and 7 days prior to a scheduled meeting. The Contractor will provide a draft notices for Government review at least 7 days prior to the proposed publication date. A copy of the public notice of the meeting will be mailed by the Contractor to the entire mailing list for receipt approximately two weeks prior to the scheduled meetings.

Task 5: **Hold Scoping Meeting(s).**

The Contractor, in consultation with the Government, shall schedule, provide all logistic support (including leasing of a meeting room and [**optional-** obtaining the services of a court reporter]) and conduct the public scoping meeting(s) to gain input from the public concerning the scope of issues and level of analyses to be considered in the DEIS. The Government's representative will make opening statements at the meeting. The Contractor's Project Manager and other key personnel (total of two – four individuals) will be present to explain the NEPA process and the purpose of scoping and to facilitate conduct of the meeting. Graphical displays, including maps and charts, will be provided by the Contractor as appropriate. It is anticipated that these public scoping meetings will be held approximately 30 days after NTP. Other scoping activities such as meeting

with Federal, state and local entities on specific issues may be determined to be necessary. Additionally on the day of the scoping meeting, a meeting will be held with all affected federal, state, and local agencies to determine their concerns as well as their roles and responsibilities in both the completion of the EIS process and the future operation of the proposed actions. For the purposes of planning, the Contractor should expect to hold **X** scoping meeting(s) in the geographic area of the proposed action and its alternatives. The need for more than one scoping meeting will be discussed in the Kickoff Meeting (Task 1) and included in the public participation plan (Task 2). See the attached OJP/CPO Program Guidance on Environmental Protection Requirements for additional information on how the scoping process is to be conducted by the Contractor.

Task 6: **Prepare Scoping Report.**

[**Optional:** In addition to the meeting transcript,] the Contractor will prepare a report summarizing the results of agency and public scoping coordination. The report will include a spreadsheet or other tabular format for compiling and sorting public responses obtained at the scoping meeting, and other public or agency scoping comments received by mail. The Contractor will submit a draft report for Government and cooperating agency review and approval and incorporate all comments into the final report.

Task 7: **Attend and Participate In Progress Review Meetings.**

The Contractor will, in consultation with the Government, schedule and conduct progress review meetings with the cooperating agencies, at critical points within the EIS schedule. These meetings will be interactive in nature, and will require at least one day per meeting. It is anticipated that all of these meetings will be held in the Government's office. The Contractor is expected to have in attendance or otherwise available sufficient members of the Contractor's EIS team to adequately address the major issues and environmental impacts to be addressed during the meeting.

Task 8: **Maintain Bibliography of References and Data Sources.**

The Contractor will develop and continue to update the bibliography, with data sources and reports noted. The updated bibliography will be incorporated into the DEIS. The bibliography will be limited to references used in the EIS.

Task 9: **Complete Inter-Agency Coordination, Documentation and Data Compilation.**

Prior to beginning substantive analytical work on the DEIS, the Contractor should become familiar with the available program, site, and environmental data for the proposed action and its alternatives. Contractor shall identify additional information needs and data gaps and proceed to identify sources of missing information and obtain that information or data.

The Contractor is required to identify and obtain baseline data to be furnished by the various cooperating agencies. The Contractor will maintain regular communications with the cooperating agency throughout preparation of the EIS, and will compile all data collected by the Contractor or provided by cooperating agencies. The Contractor will serve as the repository for all reference documents throughout the process. The collected information will be included in the administrative record at the conclusion of the EIS. The Contractor will track agency progress and continue coordination with the agencies to obtain agency-provided data on a timely basis. Assistance with agency coordination will be provided by the Government, as necessary or appropriate.

Task 10: **Prepare Description of Proposed Action and Alternatives.**

The Contractor shall review information provided by the Government concerning the specific activities identified in paragraph 1. of this SOW. The information gathered shall be assembled into concise and descriptive statements of the proposed activities to be addressed in the EIS. Information will be formatted for inclusion as the Description of Proposed Actions and Alternatives section of the EIS. The narrative shall identify all the relevant data and activities necessary to describe the proposed actions and alternatives

Task 11: Prepare Preliminary(s) Draft Environmental Impact Statement (PDEIS).

The Contractor shall prepare a PDEIS in accordance with the following requirements.

- a) Implementation of Baseline Environmental Conditions. The Contractor will use the information/data furnished by the Government and/or the cooperating agencies to prepare narratives documenting baseline environmental and socio-economic conditions. The Contractor shall assemble and review existing data describing the environmental resources of the study area. The Contractor will visit the sites of the proposed action and its alternatives as well as gather additional existing information from other approved sources, as necessary. The information assembled must be sufficient to (1) assess the environmental, historic, economic, and social values that will be affected, either beneficially or adversely, by the proposed actions and alternatives and (2) and demonstrate compliance with related environmental requirements such as those listed in paragraphs 2.b. and c. above.
- b) Throughout the EIS process, pertinent data gaps that have a bearing on the analyses shall be reported to the Government immediately upon identification. The Contractor will gather additional details from the other State and cooperating Federal agencies as well as other available sources to fully describe baseline conditions and projected future conditions. The Contractor shall coordinate with the Government to determine the validity of data to be incorporated into the PDEIS, regardless of the source. If the Government concludes that additional data are required, an appropriate modification to the contract may be negotiated.
- c) Preparation of Preliminary Draft EIS (PDEIS). Using information describing the proposed actions and alternatives, baseline environmental information, scoping information, and information resulting from the data gathering tasks and site visits, the Contractor will address the potential impacts anticipated from the proposed action and its alternatives, as defined in paragraph 1. of this SOW. The PDEIS will be prepared in conformance with the CEQ regulations and the attached Corrections Program Office's Program Guidance on Environmental Protection Requirements.
 - (1) Analysis. The Contractor is responsible for identifying, documenting, and analyzing relevant conditions, issues, and effects associated with the proposed action and alternatives. The document should be structured so as to include only the data in the Affected Environment Section required to perform the analyses. Extraneous data, just because it is available, should not be included. The Analyses of Alternatives Section should not introduce new data, but should assess the proposed action and alternatives against the data base presented in the Affected Environment. The Contractor will incorporate appropriate analyses provided by cooperating agencies or other approved sources into the PDEIS, in appropriate level of detail and editing to provide a consistently structured document.
 - (2) Format of the PDEIS. The format to be used is the one specified in the CEQ regulations. The text shall be error free, complete, clear, concise, and grammatically correct. The main

text of the report shall be written in a manner suitable for reading by persons not professionally trained for the technical subject discussed. The PDEIS will be an analytical document, with a minimum of attached reference material. Acronyms shall be used only on a limited basis. Any acronyms used shall be defined on first use and included in a list of acronyms page.

[Optional paragraph -The PDEIS shall be typed one and one-half spaces on one side of the paper with the margins set for reproduction on both sides of the paper. The size of pages shall be 8.5 by 11 inches, except for foldout maps, charts, or other illustrative material. Each line of each page for the PDEIS will be numbered to facilitate review. Type size and the font used must be approved by the Government prior to printing. Drawings, photographs, and text shall be sufficient to adequately cover the material, eliminating any extraneous information. The PDEIS will also include a brief summary. The PDEIS shall be bound by plastic spiral binding. A separate reference document containing technical appendices is acceptable.]

- (3) Submittal No. 1 of PDEIS. The Contractor shall submit **X** copies of the PDEIS to the Government and cooperating agencies for review and comment.
- (4) Preliminary Draft EIS Review Meeting. After the PDEIS has been submitted to the Government and cooperating agencies for review, the Government and cooperating agencies will furnish comments to the Contractor. A meeting between the Contractor, the Government and the cooperating agencies will be held at the Government's office to discuss revisions to the PDEIS. This meeting will discuss the comments and resolve any problems or questions that may arise. The meeting will also discuss the Notice of Availability (NOA) that will be required to announce the availability of the DEIS to the public and the upcoming public meeting. The Contractor's Project Manager, and any other key personnel that the Government deems necessary (estimated 4 personnel), will attend this PDEIS review meeting.
- (5) Submittal No. 2 of PDEIS. The Contractor will incorporate all comments into a revised PDEIS for further Government and inter-agency review and approval. The Contractor shall distribute **X** copies of PDEIS Submittal No. 2 to the Government and the cooperating agencies for review and approval.

Task 12: Prepare Draft EIS (DEIS) For Distribution.

Following the review and acceptance of the PDEIS by the Government, the Contractor shall proceed with preparation of the DEIS document.

- a) The front cover of the DEIS (and FEIS) shall be a high quality cover, containing the title of the document, the Government's and OJP/CPO names and those of any cooperating agencies, date of official release (month and year), and the name of the Contractor who prepared the document.
- b) Upon approval of the DEIS by the Government, the Contractor shall provide a camera-ready copy of the approved DEIS and **X** printed copies of the DEIS to the Government. The Contractor will provide mailing labels for public distribution of the DEIS. [**Optional** The Contractor will be responsible for reproduction and distribution of the DEIS to the public.]

Task 13: Prepare DEIS Notice of Availability and Public Meeting Notice(s) for Draft EIS and Issue Locally.

The Contractor shall prepare a draft and final Notice of Availability (NOA) of the DEIS for Government approval. The Government, in coordination with OJP/CPO, will be responsible for providing the Environmental Protection Agency with the information necessary to publish the Federal Register notice. The locally published NOA should also give the location and the date and time of the public meeting(s) for receiving comments on the DEIS. After consulting with the Government, the Contractor shall prepare and advertise the NOA in the non-legal section of the local newspaper or newspapers, as specified in the public participation plan. [**Optional** - The Contractor shall also prepare a draft news release.] The draft NOA [and news release] shall be submitted to the Government for approval. The NOA [and news release] will be timed for publication concurrent with filing the DEIS, and at least 30 days prior to date of the public meeting(s). The Contractor shall distribute the NOA to the entire mailing list approximately 30 days prior to the scheduled meeting(s).

Task 14: **Hold Public Meeting(s) on Draft Environmental Impact Statement and Prepare Summary Report.**

The Contractor, in consultation with the Government, shall schedule, provide all logistic support, and conduct the public meeting(s) for DEIS review. The public meeting should be held no earlier than 30 days after the NOA appears in the Federal Register. The Government's representative will make an opening statement at the public meeting. The Contractor's Project Manager and other key personnel will be present at the public meeting to present the proposed actions and evaluation framework, and to discuss the probable environmental effects of the proposed action. Government and other cooperating agencies will be present to assist in response to questions from the public. Graphical displays, including maps and charts, will be provided by the Contractor. The Contractor will [**Optional** - provide a court reporter to transcribe each meeting and] prepare a summary report for each public meeting[, with a hard copy of the transcript attached,] for Government review. See also CPO's Program Guidance on Environmental Protection Requirements for additional guidance on conducting the public meeting for the DEIS.

Task 15: **Prepare Preliminary(s) Final EIS (PFEIS).**

The Contractor shall prepare the PFEIS in accordance with the CEQ regulations and this task will include the following:

- a) Responses to Public Comments on DEIS. The Contractor, in coordination with the Government and the cooperating agencies, will prepare responses to public comments on the DEIS and provide X copies of the comments and drafted responses to the Government and cooperating agencies for review and comment. Responses to comments may also include additional tables, graphics or additional data for review and incorporation into the text or appendices of the FEIS as well as corrected text from the DEIS. The Contractor will coordinate with the Government on the method to be used for comment/response, identifying major comments and any conflicting comments. A one-day progress review meeting will be held at the Government's office to coordinate responses to comments. All responses will be subject to approval by the Government prior to finalization for inclusion in the PFEIS.
- b) Preliminary FEIS (PFEIS). The Contractor shall incorporate the approved revisions and responses to comments into a PFEIS. Two copies of the PFEIS and one electronic version will be submitted to the Government, and additional copies will be provided to cooperating agencies for review and approval. Additional agency comments will be incorporated into the FEIS, as directed by the Government.

- c) PFEIS Administrative Review. The Contractor will prepare a full version PFEIS for Government review and approval. The PFEIS should show the contents, page layout, paper quality, cover quality, print quality, tables, graphics, photographs, and related appearance criteria. The FEIS format will be the same as for the PDEIS outlined above. The use of high quality graphics, photos, and other illustrative materials is encouraged. X copies of any required revisions to the PFEIS will be furnished to the Government for final review and approval. If necessary, an PFEIS administrative review meeting will be held to resolve any open issues.

Task 16: Prepare Final Environmental Impact Statement For Distribution.

This task is completed in the same manner as the task for preparing the Draft EIS for distribution.

Task 17: Prepare Final Environmental Impact Statement Notice of Availability and Issue Locally.

The Contractor will provide the following support for preparation, filing, and notice of the FEIS.

- a) Draft NOA for FEIS. The Contractor shall perform the same tasks for the publication and distribution of the NOA for the FEIS as it did for the NOA for the DEIS. Publication of the NOA, and distribution of the NOA to the public will be concurrent with OJP/CPO filing the FEIS with EPA.
- b) Printing, Mailing and Filing FEIS. The Contractor will provide a camera-ready copy of the approved FEIS, two printed copies (plus additional copies for mailing), and an electronic copy of the FEIS to the Government. The Contractor will also provide printed mailing labels for distribution of the FEIS. [**Optional** - The Contractor will be responsible for reproduction and distribution of the FEIS to the public.] The Government and OJP/CPO will file the FEIS with EPA. The waiting period for the FEIS, during which review and comments may be made, shall be 30 calendar days after EPA's NOA appears in the Federal Register.
- c) Responses to FEIS Comments. Any comments received on the FEIS shall be addressed by the Contractor, in draft and final letter format, after coordination with the Government and, if necessary, an affected cooperating agency. All responses must be approved by the Government. Final letters of response will be provided to the Government in electronic format.

Task 18: Draft Record of Decision (ROD) and Issue Availability Notice Locally.

The Contractor shall prepare a preliminary draft and final draft ROD as well as its NOA for publication locally. The Contractor's responsibilities for the publication and distribution of this NOA shall be the same as for the NOA for the FEIS. The Government and OJP/CPO will prepare the final ROD and be responsible for the publication of its notice of availability in the Federal Register

Task 19: Maintain and Provide Administrative Record.

The Contractor shall prepare and assemble the Administrative Record and furnish it to the Government after the ROD is signed. The Administrative Record is the entirety of the information relied upon to prepare the EIS. The Administrative Record is inclusive of all information and analyses either generated or obtained from other sources, or used to support documentation and analyses. A complete Administrative Record is the entirety of the information relied upon within the Contractor's possession plus all information in other locations listed in the references. Information listed in the references at other locations does not have to be included. The Contractor

shall organize the information composing the Administrative Record as an accessible file, indexed by topic to the extent possible, and submit this record to the Government.

Task 20: Prepare and Manage Schedule for EIS.

The Contractor, with Government assistance, shall develop a specific milestone schedule to complete the EIS process for this action. The detailed project schedule will be presented by the Contractor within 10 days following the "kickoff" meeting, indicating the critical path(s) of the efforts required to complete the EIS as outlined in the tasks described above. The schedule will include, at a minimum, the milestones listed in paragraph 8. of this SOW. The Government will approve the schedule or recommend changes within 10 working days of receipt. The project schedule should reflect the Government goal to complete the FEIS document as soon as reasonably possible, with a target goal for filing the DEIS by (insert date). This schedule will be used by the Contractor to manage work on the EIS and by the Government to monitor the progress of work on a monthly basis. The schedule will also include specific dates that demonstrate when milestones will be met. A copy of the schedule, with any revisions or updates, and status of the project milestones will be presented in the monthly progress reports.

Task 21: Prepare Monthly Progress Reports.

The Contractor will be required to prepare and submit brief monthly progress reports on the status of the EIS to the Government's Contracting Officer. The monthly reports shall contain an accurate, up-to-date account of all major work accomplishments and outstanding issues. The report will include a list of remaining milestones to be accomplished. Completion of work will be documented in these progress reports. The first monthly progress report will be due one month after notice to proceed is given to the Contractor. Subsequent monthly progress reports will be due by the 15th of each month.

Task 22: Attend Unscheduled Meetings.

The Government reserves the right to request unscheduled meetings with the Contractor to review and discuss the progress and to discuss any problems or concerns that may arise. The Contractor may also request meetings with the Government. Dates and locations for these meetings shall be mutually agreed upon as necessary. It is anticipated that the an estimated three (3) unscheduled meetings to be attended by the Contractor's project manager, would involve travel to the Government's office or a similar distance for meeting with cooperating agencies or other organizations. Unscheduled meetings involving travel would be limited to the Contractor's project manager, unless approved by the Government.

7. BACKGROUND WORK:

The Contractor will use existing data except for specific studies described in this SOW. The Government will furnish project related information for the proposed action and its alternatives. The Contractor will use the information/data furnished to prepare the Description of the Proposed Actions and Alternatives report. The Government will furnish and validate employment data. The Contractor shall assemble and review existing data describing the environmental resources, environmental conditions, historic and archeological properties, economy, and social structure of the areas to be potentially impacted. The Contractor shall use existing information from governmental agencies to the maximum extent possible. The information assembled must be sufficient to assess the environmental, historic, economic, and social values that will be affected, either beneficially or adversely, by the proposed actions and alternatives. Throughout this process, pertinent data gaps that have a bearing on the analyses shall be reported to the Government immediately upon identification.

To establish the data for the PDEIS, the following services are required at a minimum:

- a. **Materials.** The Contractor will obtain materials including existing aerial photos, maps, documents, reports and correspondence, and lists of contacts.
- b. **Agency Communications.** The Contractor will establish communications with all activities or agencies who will be expected to either participate in this EIS process or be consulted about it such as, U.S. Fish and Wildlife Service (USFWS), Environmental Protection Agency (EPA), Natural Resources Conservation Service (NRCS), National Marine Fisheries Service (NMFS), and other appropriate Federal, State and local agencies. The Government shall be informed of all concerns communicated by these agencies.
- c. **Site Visits/Field Surveys.** The Contractor shall conduct visits to the potentially impacted local areas, with a multi-disciplinary team, to become knowledgeable about the proposed action and its alternatives, obtain information, conduct interviews, and analyze impacts. Field surveys will be limited to gathering existing data required to complete analyses of project impacts. The Contractor will identify any data deficiencies that could require additional field research. If any specific, additional field surveys, research, or testing is required and agreed to by the Government, a modification to the contract will be made and an equitable adjustment in the contract price will be negotiated.
- d. **Economic Impact Analyses.** The Contractor shall perform regional economic impact analyses of the proposed action and its alternatives using accepted analysis techniques. Socioeconomic setting data will be gathered from existing sources. The socioeconomic analyses should examine the effects of the proposed action and its alternatives on the availability of local housing and on the ability of the affected, local infrastructure (i.e., traffic, school, hospitals, municipal services, etc.) to accommodate any increased demands to be potentially placed upon them.
- e. **Cultural Resources.** In implementing as part of this EIS process the Advisory Council on Historic Preservation's regulations entitled, Protection of Historic Properties, and found at 36 CFR Part 800, the Contractor will review current historic property documents provided by the Government and the cooperating agencies. The Contractor shall also request documents from the State Historic Preservation Officer and relevant academic and local area sources. Relevant information from these documents must be included in the cultural resource sections of the PDEIS. These documents can include local or regional histories, archeological surveys, historic architectural inventories, cultural resource management plans, agreements, etc. All maps of any cultural resource sites that will be included in the EIS will be provided by the Contractor at a scale such that specific sites cannot be easily found and the resources thereby protected.
- f. **Wetlands.** For the purpose of implementing and documenting the requirements of the Executive Order on Wetland Protection within this SOW, the Contractor shall use existing information and data from traditional sources such as the U.S. Fish and Wildlife Service, U. S. Army Corps of Engineers, Natural Resource Conservation Service, and State water resource agencies. Based upon information provided, maps and other descriptive information will be adapted by the Contractor and included in the PDEIS in order to support the analysis of the extent, amount and importance of any wetlands to be impacted by the proposed action and its alternatives.
- g. **Threatened/Endangered Species.** For the purpose of implementing and documenting the consultation procedures under Section 7 of the Endangered Species Act, the Contractor will formally coordinate with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service, when appropriate, to determine possible impacts to (i) any threatened or endangered species that are either so listed or proposed (ii) candidate species, and (iii) listed or proposed critical habitat. Coordination with the USFWS,

NMFS, and the State game and fish management agencies, as appropriate, will be documented. Potential impacts to State listed species must also be addressed in the PDEIS. Field surveys for protected species occurrence within the study areas are not included in this scope of work. Should the Government conclude that sufficient baseline data are not available to adequately address potentially impacted areas, a modification to the contract will be negotiated to include an equitable adjustment in the contract price.

- h. Environmental Justice. The Contractor will obtain information on the presence of Indian Tribes, other minority populations and low income populations in the project area as part of the regional economic analyses. If initial studies indicate that a target population(s) is located within a geographic area to be impacted by the proposed action or its alternatives, per the previously referenced guidance on implementing Executive Order 12898, specific proactive steps must be implemented in order to include the identified target population(s) in the public participation plan. Should these proactive steps reasonably exceed the above referenced requirements for the public participation plan, a modification to the contract will be made and an equitable adjustment in the contract price will be negotiated. As described in Executive Order 12898, the potential or absence of effects of the proposed action and its alternatives on minority and low income target populations will be specifically addressed in the Environmental Consequences section of the PDEIS.
- i. Existing Environmental Pollution, Hazards, and Other Health and Safety Risks. The Contractor will obtain information from the Environmental Protection Agency or equivalent State agencies regarding any existing hazardous conditions at the site of the proposed action and its alternatives that may pose health and safety risks to future construction workers, employees, occupants, or visitors.
- j. Floodplains. For the purpose of implementing and documenting the requirements of the Executive on Floodplain Management within this SOW, the Contractor shall use existing information and data from the Federal Emergency Management Administration with alternative sources being the U. S. Army Corps of Engineers, State water resources agency, or a region specific agency with special expertise, such as the Tennessee Valley Authority. Based upon the information provided, maps and other descriptive information will be adapted by the Contractor and included in the PDEIS to support the analysis of the extent, amount, and importance of any floodplains to be impacted by the proposed action and its alternatives.
- k. Noise and Light. Existing data will be reviewed as well as literature examined to evaluate the potential noise and light impacts of the proposed action and its alternatives. The Government will provide relevant data, if available, from similar operating facilities. The Contractor will address the projected changes of noise and light levels that will be generated by the proposed action and its alternatives, especially with respect to any sensitive receptors.
- l. Mitigation. During the course of performing the analyses and evaluations required to complete the EIS, the Contractor shall notify the Government immediately of the identification of any potentially adverse impacts that could require the implementation of a mitigation measure(s). The Contractor shall recommend to the Government appropriate measures that would avoid or mitigate any adverse impacts which might be identified. Development of appropriate mitigation measures will be accomplished by the Contractor with the approval of the Government and included in the EIS. All approved mitigation measures shall be discussed in a separate section of the EIS.
- m. Maps. The Contractor must obtain and/or adapt appropriate existing land use maps for inclusion in the PDEIS showing the location of study area boundaries and environmentally sensitive areas that may be affected by the proposed action and its alternatives. These maps shall include, but not be limited to, wetlands, cultural resource sites, endangered/threatened species habitat (State and Federal), floodplains and waterways, important farmlands, severely eroded or erodible sites, and any sensitive natural areas.

Maps will be adapted to assure that a balanced or equivalent presentation of information is shown throughout the document for each resource area. A map(s) displaying the regional and site locations of the proposed action and its alternatives must also be included in the PDEIS.

8. SCHEDULE:

- a. The Contractor shall develop a detailed schedule, based upon the following milestones within 10 days of the notice to proceed (NTP) under this delivery order. The schedule will be submitted to the Government for approval. Elapsed days will be measured in calendar days from date of the NTP. At a minimum, specific milestones will include:

- 1 Notice to Proceed
- 2 Kickoff Meeting
- 3 Public Participation Plan
- 4 Public Scoping Meeting(s)
- 5 Scoping Report
- 6 Draft Description of Proposed Action and Alternatives
- 7 Description of Proposed Action and Alternatives
- 8 Preliminary Draft EIS (Submittal No. 1)
- 9 PDEIS Progress Review Meeting
- 10 Preliminary Draft EIS (Submittal No. 2)
- 11 Draft Notice of Availability for Draft EIS
- 12 Camera-ready Copy of Draft EIS
- 13 File Draft EIS
- 14 Public Meeting(s) for Draft EIS
- 15 Draft Responses to Comments on Draft EIS
- 16 Progress Review Meeting to Finalize Responses to DEIS
- 17 Preliminary Final EIS
- 18 Draft Notice of Availability for Final EIS
- 19 Camera-ready Copy of Final EIS
- 20 File Final EIS
- 21 Response to FEIS Comments
- 22 Draft ROD
- 23 EIS Administrative Record

- b. Should implementation of a subsequent phase be delayed, or document review times by the Government take longer than expected, the entire schedule of events may be shifted or extended. The Contractor will be advised as soon as possible upon any delay or change in review time.

9. SUBMITTALS

- a. All submittals under this delivery order shall be sent by a letter of transmittal, identifying the contents of the submission and the review period specified by the statement of work. Work will not be considered officially submitted until it has been received by the Government. The Contractor shall allow for sufficient mailing time for submittals to be received by the required date.

- b. List of Submittals:

- 1 Detailed Project Schedule
- 2 Public Participation Plan To Include Mailing Lists
- 3 Draft [News Releases and] Public Notice for Public Scoping Meeting(s)
- 4 Summary Scoping Report [and Transcript]
- 5 Description of Proposed Action and Alternatives
- 6 Preliminary Draft EIS (PDEIS) Submittal No. 1
- 7 Preliminary Draft EIS (PDEIS) Submittal No. 2
- 8 Camera-ready Copy of Draft EIS - original and **X** printed copies
- 9 Draft Notice of Availability (NOA)[and news releases] for Draft EIS
- 10 Summary Report of Public Meeting(s) [and Transcript]
- 11 Preliminary Draft Comment and Responses
- 12 Preliminary FEIS (PFEIS)
- 13 Draft NOA [and news release] for Final EIS
- 14 Camera-ready Copy of Final EIS - original and **X** printed copies
- 15 Draft Notice of Availability (NOA) [and news releases] for Final EIS
- 16 Draft and Final Formatted Responses to FEIS Comments
- 17 Draft Record of Decision
- 18 Administrative Record for the FEIS
- 19 Monthly Progress Reports
- 20 Memoranda of All Meetings

10. GOVERNMENT PROVIDED ASSISTANCE:

- a. The following materials will be furnished by the Government not later than 20 days after NTP.
 1. General scope of proposed actions.
 2. Contacts for further definition of proposed actions.
 3. Available appropriate maps and aerial photographs. The Contractor shall be responsible for editing and reformatting these maps, as appropriate, for incorporation into the PDEIS and PFEIS documents
 4. Assistance in developing a list of interested entities for Contractor's development of mailing lists.
 5. Any studies, reports, or documents in the possession of the Government that may be useful to the Contractor in developing the "Affected Environment" section of the EIS.
- b. The Government, with assistance of OJP/CPO and the cooperating agencies, will provide consistency guidance throughout the process and certify that the document complies with the requirements of this SOW. Failure of the Government to provide this assistance according to the agreed upon schedule may result in a modification to the contract in order to meet the required completion date and/or an equitable adjustment in the contract price.

11. DOCUMENT FOCUS:

The Contractor shall document the affected baseline and conduct appropriate impact analyses in such a manner as to:

- a. Sharply focus the document on relevant issues. Do not include repetitious statements.
- b. Include only data which support the analyses. All other data are extraneous. If not needed for analysis, do not include the data.
- c. Clearly support the analysis with baseline data. Conclusionary statements in the consequences section without basis in the affected environment section are unacceptable.
- d. Fully describe the proposed action and alternatives sufficient for a NEPA analysis.
- e. Follow all prescribed NEPA procedures, in compliance with laws, regulations and published policies.

12. MISCELLANEOUS REQUIREMENTS:

- a. Labor, Equipment, Materials. The Contractor shall furnish all labor, materials, plant equipment, and transportation to perform the work and services described above. All documents, maps, photos, graphics, mailing lists, etc., shall become Federal property upon acceptance.
- b. Release of Data. All data, reports, and materials contained or developed in this project shall not be released without written approval of the Government.
- c. [**Optional** - Meeting Memoranda. The Contractor shall furnish the Government a memorandum of each meeting held, summarizing any agreements or decisions reached. All memoranda shall be provided within five (5) work days of the meeting.]
- d. [**Optional** - Paper. All documents shall be printed on recycled paper, front and back, unless specified otherwise.]
- e. [**Optional** - Computer Software. The DEIS, FEIS, and mailing lists shall be saved on 3-1/2 disks and provided to the Government in (Insert Desired Software Format).]

13. CONTRACT ADMINISTRATION:

The Contractor shall notify its appropriate employees of the individual designated as the Government's Contracting Officer for this SOW. All routine correspondence and telecommunications related to execution of this delivery order should be addressed as follows:

ATTACHMENT: Office of Justice Programs/Corrections Program Office, *Program Guidance on Environmental Protection Requirements*