

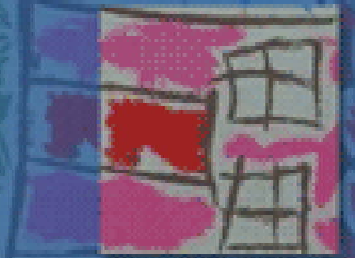
WANTED: Your Input into Transportation Planning and NEPA

EPA Presentation sponsored by COMPASS

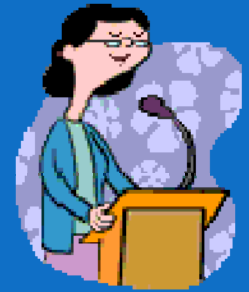
May 21, 2012

EPA Region 10, NEPA Reviewers

Lynne McWhorter and Elaine Somers



Presentation Overview



- Understanding the Basics National Environmental Policy Act (NEPA)
- When is NEPA applied
- Levels of NEPA Analysis
- What is an Environmental Impact Statement (EIS)
- Meaningful Participation
- EPA's Responsibility
- Transportation Planning Ideas
- Land Management Case Example
- NEPA Resources



NEPA

Declare a national policy to encourage productive and enjoyable harmony between man and his environment

- ... prevent or eliminate damage to the environment,
- ... stimulate the health and welfare of man,
- ... enrich understanding of natural resources important to the nation

Use all practical means and measures to ...

- ... foster and promote the general welfare
- ... create and maintain conditions under which man and nature exist in productive harmony
- ... fulfill social, economic, and other requirements of present and future generations of Americans



- Economic, Social, and Environmental Effects
- Executive Order 12898 (Environmental Justice)
- Public involvement, interagency coordination
- Tribal consultation
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
- Noise Standards
- Public Hearing Requirements
- Americans with Disabilities Act
- Wild and Scenic Rivers Act
- Endangered Species Act – Section 7
- Section 4(f) of USDOT Act (49 USC 303) - Parks, recreation, etc
- Clean Air Act
- Safe Water Drinking Act
- Clean Water Act Sections 311, 402, and 404.
- Farmland Protection Policy Act
- National Historic Preservation Act
- Floodplains
- Magnuson-Stevens Fishery Conservation and Management Act
- Migratory Bird Treaty Act

National Environmental Policy Act

When is it applied?

- Applies to virtually any activity undertaken, funded, or permitted by a federal agency that affects the environment
- Some Examples:
 - Transportation projects
 - Development projects involving fill of wetlands
 - Forest Plans
 - Dams and hatcheries



Newberg Dundee Bypass Proposal, Oregon

NEPA Process

Planning/ Pre NEPA Document

Proposed Action

Coordination and Analysis

Significant Impact ?

NO

YES

Listed CE

Documented CE

Coordination and analysis as needed

Document appropriately

Agency Action

Unknown

Environmental Assessment

Significant impact

No significant impacts

Finding of No Significant Impact (FONSI)

Agency Action

Notice of Intent & Scoping Process

Draft EIS

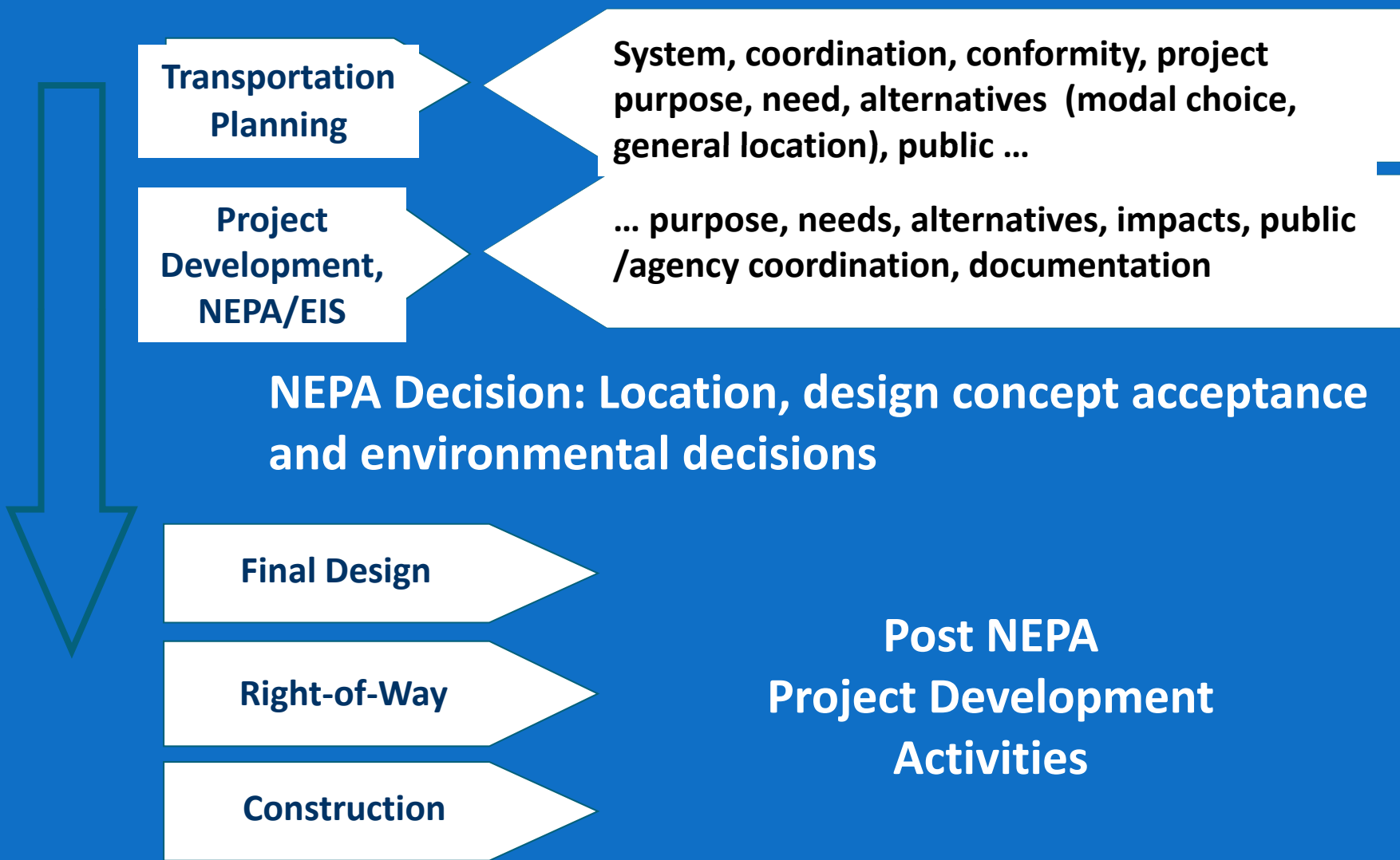
Public Comment

Final EIS

Record of Decision (ROD)

Agency Action

Transportation Project Development



Why be involved during planning?

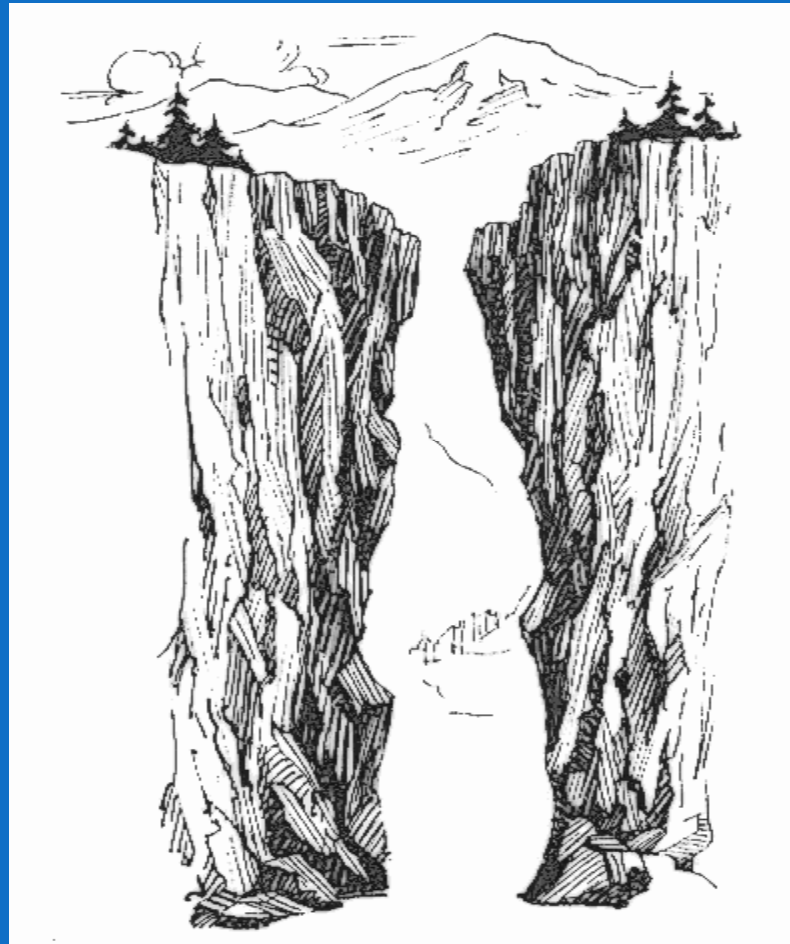
- CEQ NEPA regs require **early involvement**:
 - Integrate NEPA with other planning at the earliest possible time to:
 - integrate environmental values
 - prevent project conflict and delay

But...

- Congress: Transportation planning is exempt from NEPA

The Result...

Planning



NEPA

The Problem...

- With environmental analysis in the Project Development stage:
 - Transportation planning often did not incorporate environmental factors.
 - Planning decisions were often revisited under NEPA.
 - Public and elected officials became impatient, confused, and frustrated over apparent revisiting of previous decisions.



Remedial legislation...

- **SAFETEA-LU (2005), Section 6001**

Requires states and MPOs to integrate planning and environment

- **CFR 23, Part 450, Appendix A:**

Guidance for Linking Transportation Planning and NEPA

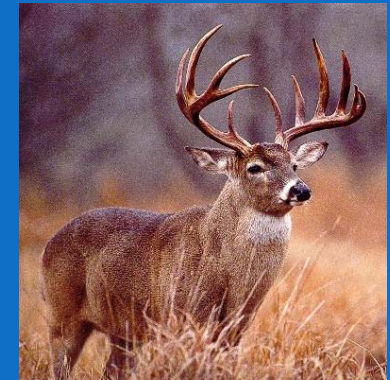
Result: With proper integration, planning decisions are more likely to “stick”.

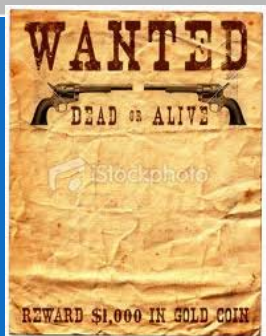


What is an Environmental Impact Statement (EIS)?

An Environmental Impact Statement is triggered by actions that "significantly" affect the quality of the human environment.

- Alternatives analysis based on Purpose and Need
- Impact analysis
- Mitigation
- Public involvement
- Interagency coordination
- Documentation





Environmental Impact Statements- **WANTED: Your Input for an Analysis**

YOUR Input is critical to ensure that your concerns may be addressed by projects that might impact the environment, your health, and your community. *Those you do write must be considered and addressed.*

- Get to the Table **EARLY**; participate in the planning stage
- Provide Meaningful Input
 - Provide scoping comments and comments on draft documents
 - Identify specific areas of concern
 - Provide written comments
 - Understand the purpose of the project and the proposal
 - Clearly state your concerns
 - If possible, identify potential remedies to issues

EIS process: Scoping

- Continuation of early involvement with affected agencies and interested public
- Formally associated with EIS process
 - Invite participation
 - Determine the scope of the study
 - Determine important vs. minor issues
 - Allocate assignments if appropriate
 - Identify other studies in area
 - Agree on timing of activities

40 CFR 1501.7

CEQ Scoping Guidance

Alternatives Analysis

- Varies with Class of Action ... CE, EA, EIS
- Rigorous and objective evaluation in the EIS
 - Reasonable range of alternatives
 - Reasonable number of alternatives
- Must include no-action or no-build
- Build alternatives – representative number
 - TDM/TSM
 - Transit, non-motorized, other modes
 - Modify or expand existing
 - new facility/ROW
 - Combination of alternatives
- Avoidance and minimization

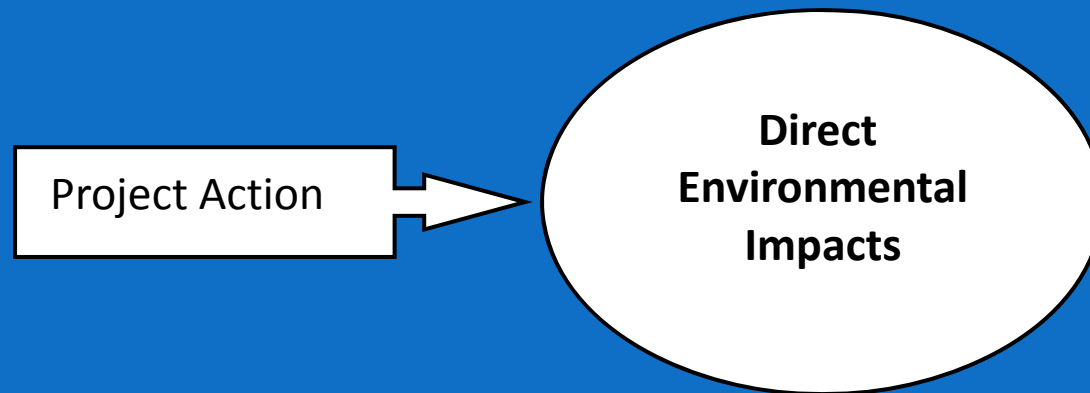
Resources

- Communities, housing, businesses
- Land use
- Wildlife, habitat, endangered species
- Waters of the U.S. including wetlands
- Historic properties and districts
- Parklands and recreation areas
- Agricultural land
- Air quality (local and airshed)

Direct Impacts

- Caused by the action and occur at the same time and place.

(40 CFR § 1508.8)



Indirect Impacts

Caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable ...

... Growth inducing and other effects on air and water and other natural systems, including ecosystems, related to induced changes

... in the pattern of land use, and

... population density or growth rate

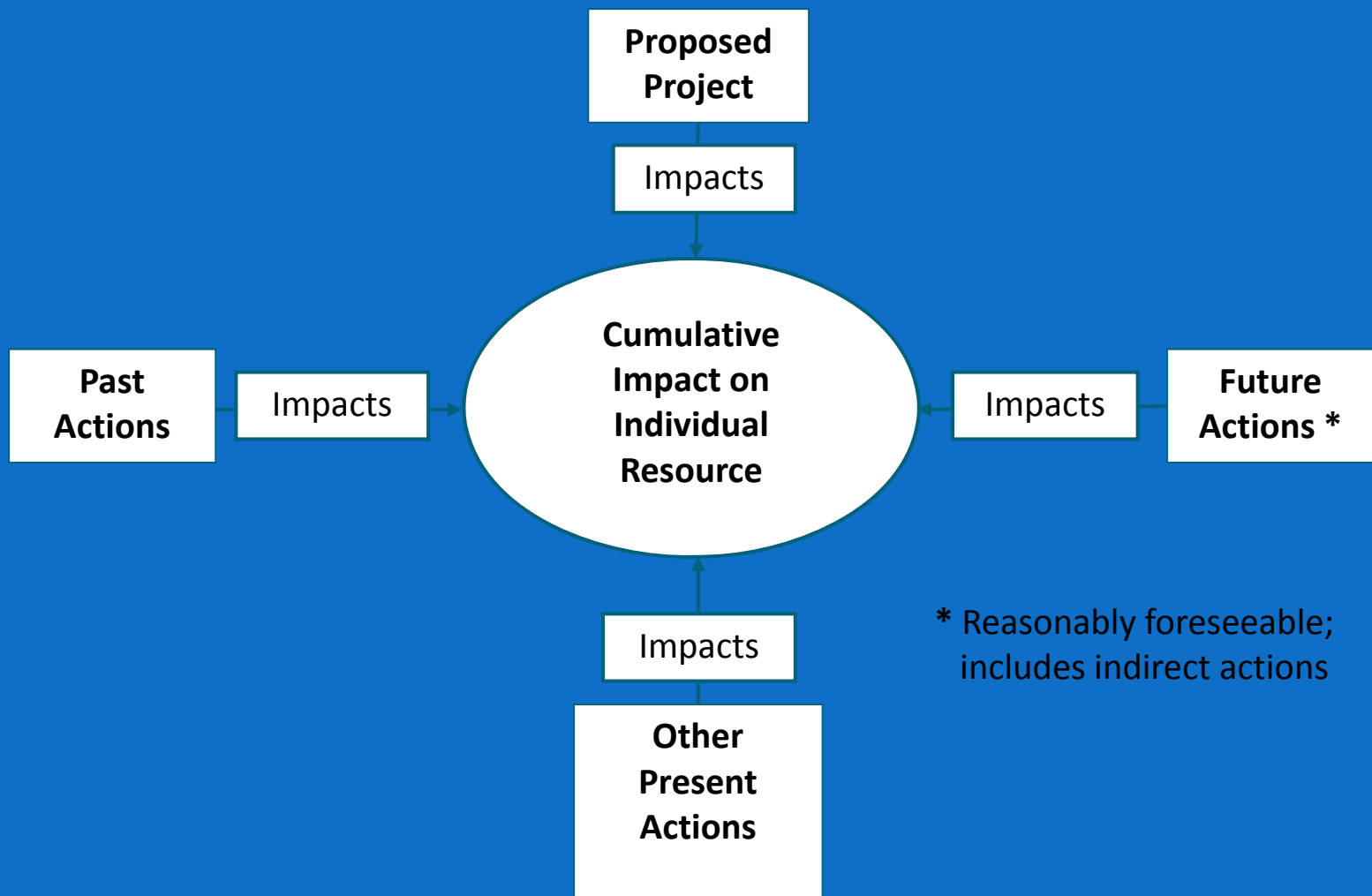
(40 CFR § 1508.8)

Cumulative Impacts

- Result from incremental impacts of the action when added to other past, present, and **reasonably foreseeable** future actions, regardless of agency or person that undertakes other actions
- Can result from individually minor but collectively significant actions taking place over a period of time

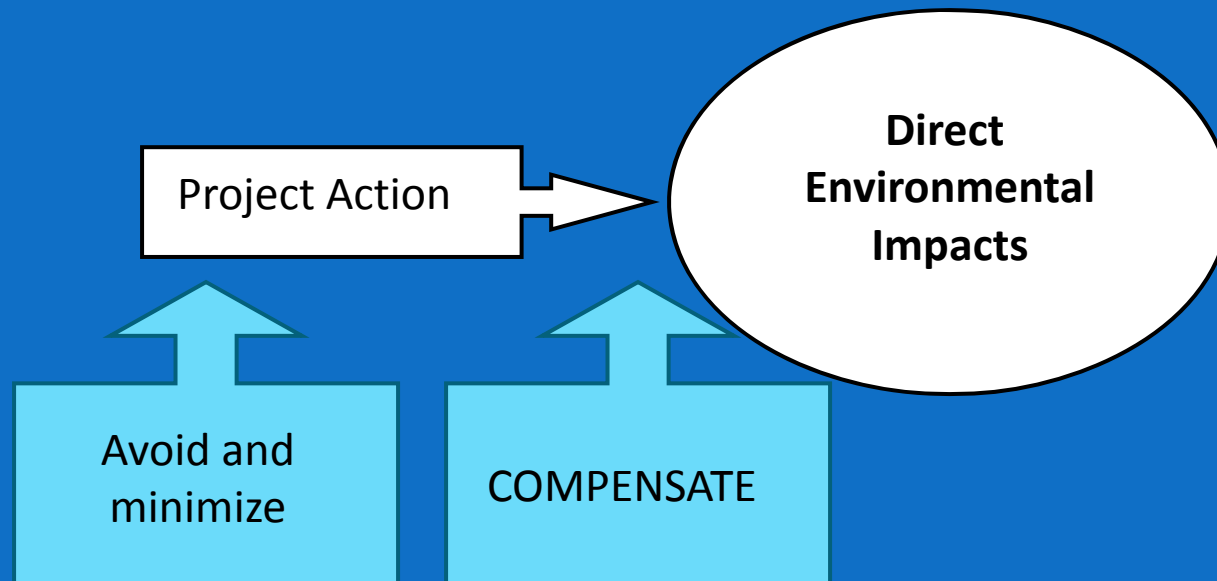
40 CFR § 1508.7

Cumulative Impacts



Mitigation of Impacts

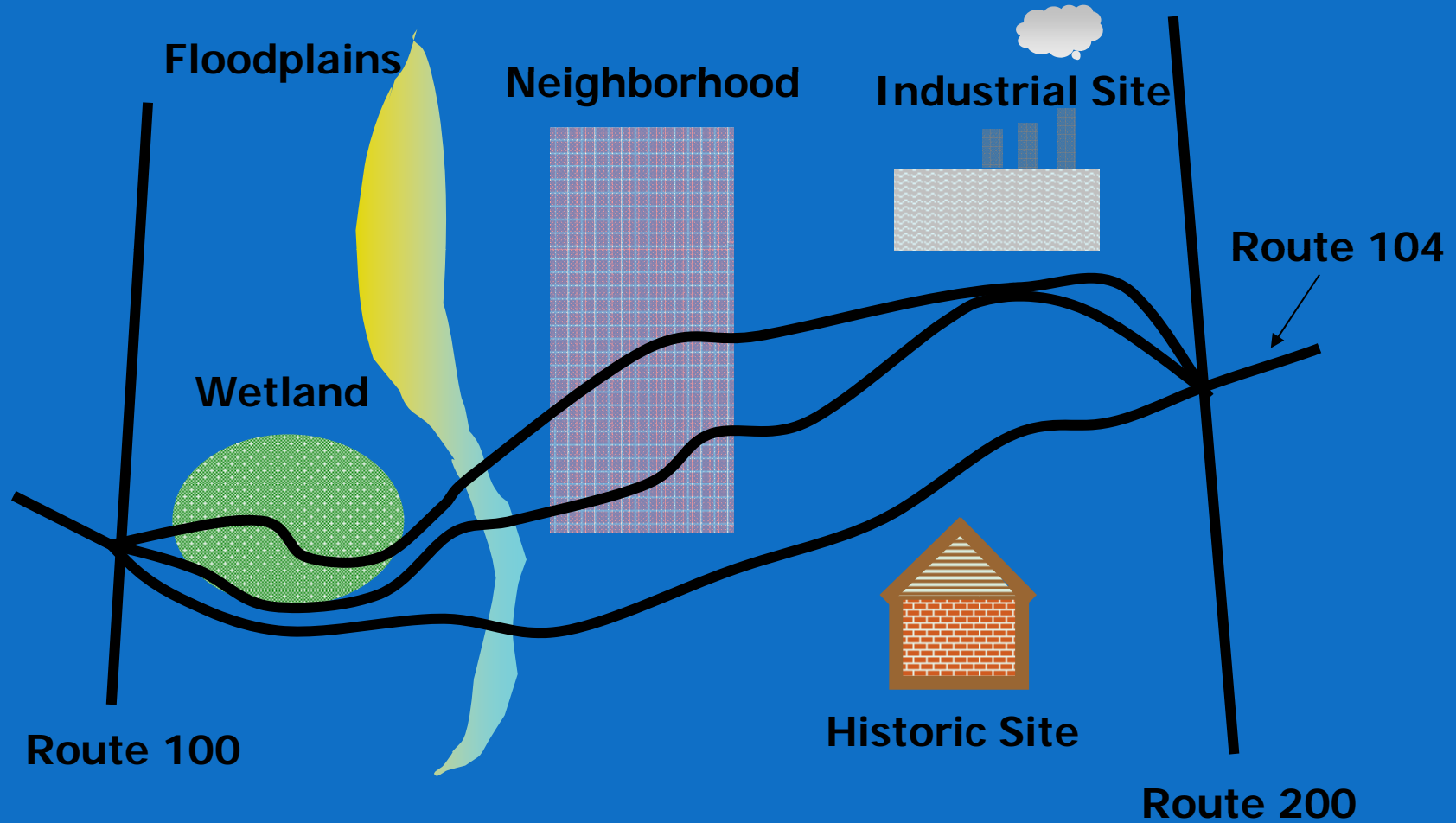
- CEQ defines mitigation as
... avoidance, minimization, and
compensation.



Considerations

- Modifying the proposed project
- Adding additional avoidance or minimization measures
- Providing compensatory mitigation for affected resources
- Identifying mitigation measures other parties can implement

Alternatives, Impact, and Mitigation Analysis



Public Involvement

Coordination of public involvement activities and hearings with entire NEPA process ...

... Early and continuous opportunities ... for the public to be involved in the identification of social, economic, and environmental impacts...”

... via State public involvement procedures and requirements for public hearings

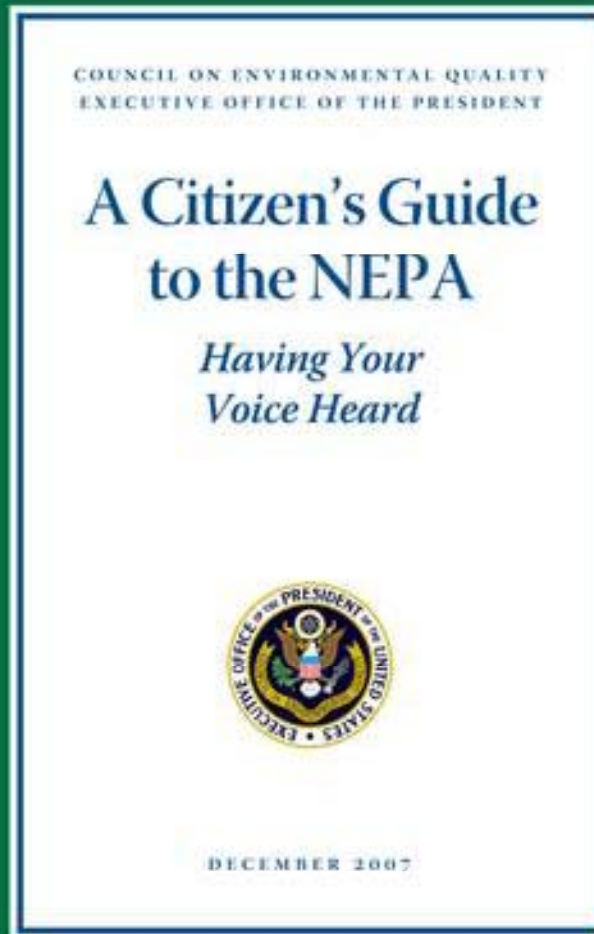
EPA's Responsibility to Review EISs

- EPA is required (Section 309 Clean Air Act) to review and comment on all Draft EISs
- EPA rates a draft EIS based on Two Aspects:

1 Environmental Impacts

2 Adequacy as Public Disclosure Document

Get Involved and Stay Informed



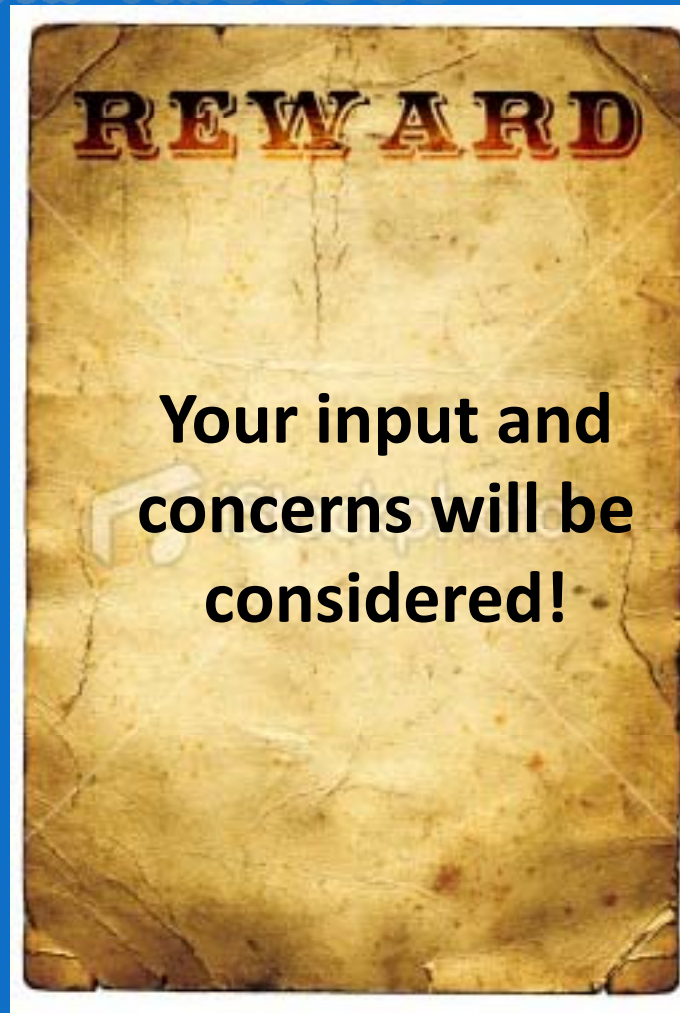
Opportunities for NEPA Process Involvement:

- When the agency prepares its NEPA procedures
- Prior to and during preparation of a NEPA analysis
- When a NEPA document is published for public review and comment
- When monitoring the implementation of the proposed action and the effectiveness of any associated mitigation

Stay Informed

- Contact your government agency planning unit
 - Get on mailing list
 - Attend public meetings
 - Attend site visits

REWARD: For Your Input In the NEPA Process



RESOURCES

- **NEPAnet**

<http://ceq.eh.doe.gov/nepa/nepanet.htm>

- **NEPA Success Stories**

http://ceq.hss.doe.gov/nepa_information/success_stories.html

- **A Citizens Guide to the NEPA**

http://ceq.hss.doe.gov/nepa/Citizens_Guide_Dec07.pdf

- **EPA Database of EISs and EPA Comment Letters**

<http://www.epa.gov/oecaerth/nepa/eisdata.html>

- **Collaboration in NEPA**

http://ceq.hss.doe.gov/ntf/Collaboration_in_NEPA_Oct_2007.pdf



Resources Cont.

- Pollution Prevention - Environmental Impact Reduction Checklists for NEPA/309 Reviewers
January 1995

www.epa.gov/.../nepa/pollution-prevention-checklist-nepa-pg.pdf

- Environmental Checklists
- Mapping Tools (NEPAssist)

Environmental Checklist

Evaluation Checklist

Environmental Impact Assessment Evaluation Checklist

Issue and Text Reference	N/A	Adequately Covered	Not Adequately Covered	Comments
PURPOSE AND NEED				
1. Clear description of underlying need for the proposed project (p. 4-4)				
2. Clear description of purpose of proposed project (p. 4-4)				
3. Adequate description of the proposed project (p. 4-4)				
PROJECT ALTERNATIVES				
1. Consideration of all relevant alternative types. (p. 4-7)				
a. No Action				
b. Alternative sites				
c. Alternative designs				
d. Alternative controls				
e. Structural alternatives				
f. Non-structural Alternatives				
2. All alternatives satisfy the stated purpose and need for the project. (p. 4-8)				
3. Description of all alternative actions or projects that were, or are, being considered. (p. 4-8)				
a. Size and location of facilities				
b. Land requirements				
c. Operations and management requirements				
d. Auxiliary structures				
e. Construction schedules				
4. Description of initial environmental impact assessment processes and results (p. 4-7)				
DESCRIPTION OF THE ENVIRONMENTAL SETTING				
1. Region of Concern defined, including boundary areas (p. 4-10)				
2. Physical-Chemical Environment (p. 4-12)				
a. Air Resources (p. 4-12)				
1) meteorological data (e.g., temperature, wind)				
2) ambient air quality (e.g., particulates, ozone)				
3) stationary sources of emissions (e.g., power plants)				

Questions?

