

NEPA Overview

WV DOT / MPO / FHWA

Transportation Planning Conference

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Environment Technical Service Team**

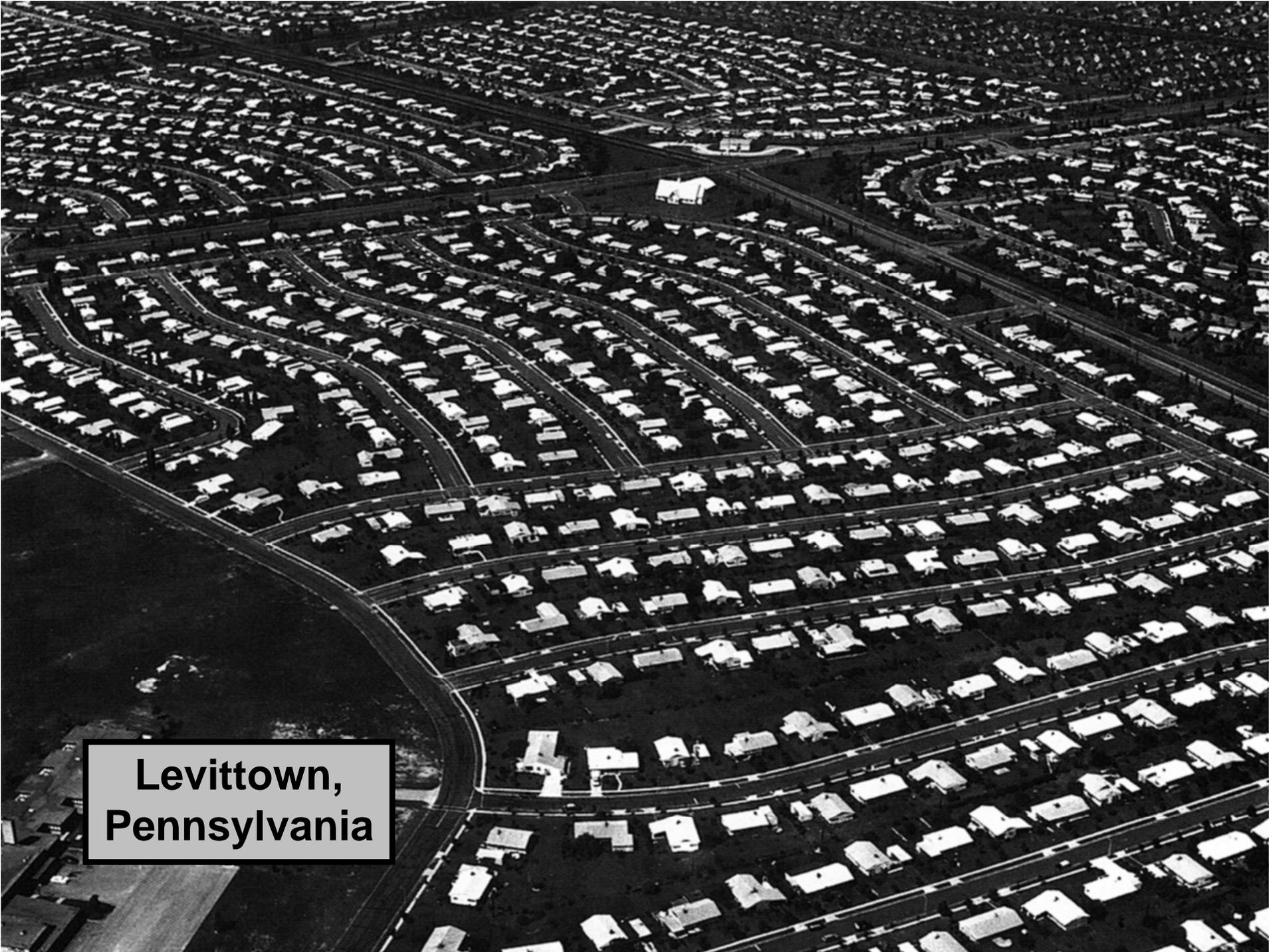
NEPA 101 Objectives

- Background and Basics of NEPA
- When does NEPA apply?
- FHWA Project Development Process
- Recent developments

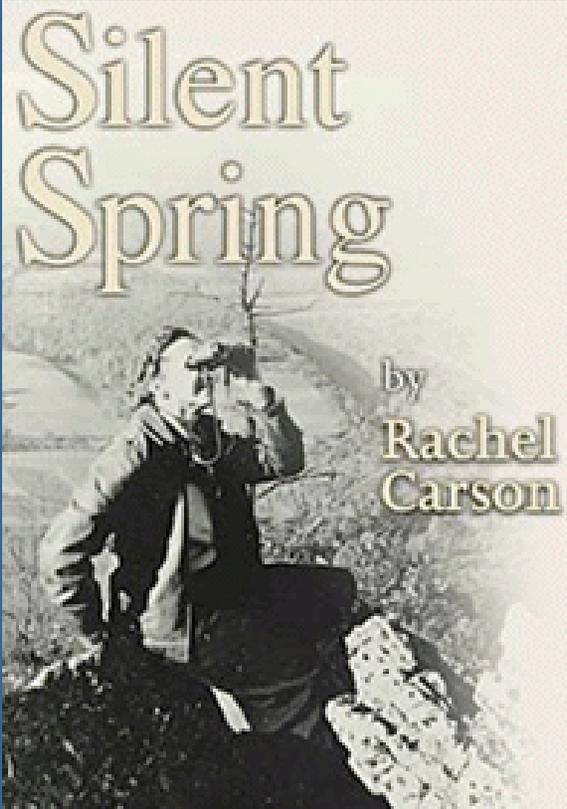
Where Did NEPA Come From?

- Post WW II prosperity and growth was not occurring without some cost
- Highly publicized disasters and trends; growing public awareness and concern
- Eventual overwhelming sentiment for Federal government to take leadership





**Levittown,
Pennsylvania**



Effects of DDT on species; Rachel Carson founder of modern environmental movement (1962)



Widely publicized Santa Barbara CA oil well blowout (1969)



Worsening air pollution leads to passage of Clean Air Acts of 1963 and 1970





Cleveland's Cuyahoga River catches fire (1969)





Cleveland's Cuyahoga River catches fire (1969)



National Environmental Policy Act

- NEPA of **1969** (signed January 1, 1970)
- Established Nat'l environmental policy & goals
- Required agency **disclosure** of impacts of proposed actions & possible mitigation
- Created basis for **environmental impact statements** (EIS) for major Federal actions
- Created **Council on Environmental Quality** (CEQ – monitors Federal actions, provides overall guidance, tracks trends and resources)

NEPA – the so-called “Hard Look”

- Spell out assumptions
- Explain inconsistencies
- Disclose methodologies
- Explain referenced information
- Support conclusions so reader can understand technical issues

Environmental Process Basics

- **Interdisciplinary evaluations**
- **Interagency coordination & public involvement**
- **Consideration of alternatives**
- **Mitigation and enhancement**
- **Integration with other laws, regulations, etc.**
- **Better decisions, not better documents**
- **Reducing paperwork and delay**

When Does NEPA Apply?

- Broadly, when a Federal agency intends to carry out, fund, or approve a proposed action
- Some actions are excluded from NEPA
- Must determine if others will cause significant impacts

When Does NEPA Apply? (cont'd)

- For FHWA, basically when a project is proposed for Federal-aid Highway Funding
- Action – highway or transit project proposed for FHWA funding, but ...
- ... actions also include activities such as multiple use permits or changes in access control that may or may not involve commitment of funds

What Must be Considered?

- Natural and “built” environments
- Agencies must take a “hard look” at consequences of actions and keep public informed
- NEPA goal: prevent uninformed decisions versus unwise ones

What are Classes of Actions?

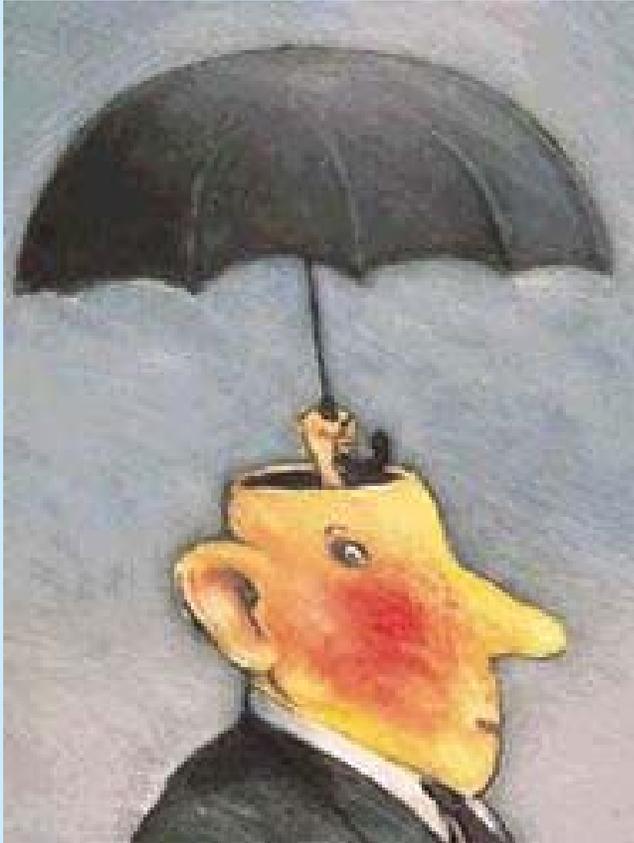
- **Categorical Exclusion (CE)** – actions which do not individually or cumulatively have a significant effect on the human environment
- **Environmental Impact Statement (EIS)** – detailed written statement on major Federal actions significantly affecting the human environment
- **Environmental Assessment (EA)** – significance of environmental impact is not clearly established; to determine the appropriate environmental document required

Where's the Instruction Manual?

- NEPA ... barely five pages long
- CEQ regulations (40 CFR 1500-1508)
- FHWA (and FTA) regulations (23 CFR 771)

- Tons of supplemental guidance, policy papers, technical memos, initiatives, research, cutting edge technologies; lawsuits also influential

FHWA Project Development Process



Environmental Streamlining & Stewardship

Public Involvement & Interagency Coordination

Compliance & Documentation

National Environmental Policy Act

Section 4(f) (Parks/Historic Sites)

Section 106 of the NHPA (Historic)

Wetlands - 404(b)(1) (Clean Water Act)

Endangered Species Act

Title VI (CRA), Environmental Justice

Other laws, regulations, and EOs ...

Where the Umbrella Comes In

- **“To the fullest extent possible, all environmental investigations, reviews, and consultations be coordinated as a single process, and compliance with all applicable environmental requirements be reflected in the environmental document required by this regulation.”**

23 CFR 771.105(a)

Input from Planning Process Linking Planning and NEPA

- Regional traffic forecasting & demand
- Project-level traffic analysis (and updates)
- Land use assumptions and scenarios
- Public, political, interest-based input
- Air quality conformity analysis
- Financial viability
- MPO as partner and contributor during NEPA

Decisions Made During NEPA

- **Project purpose and need**
- **Range of alternatives to evaluate**
- **Mode choice, scale (# lanes), type (bridge vs. tunnel), level of service, safety**
- **Design concept and scope**
- **Preferred (and ultimately selected) alternative**
- **Mitigation and enhancement measures**

How long does NEPA take?

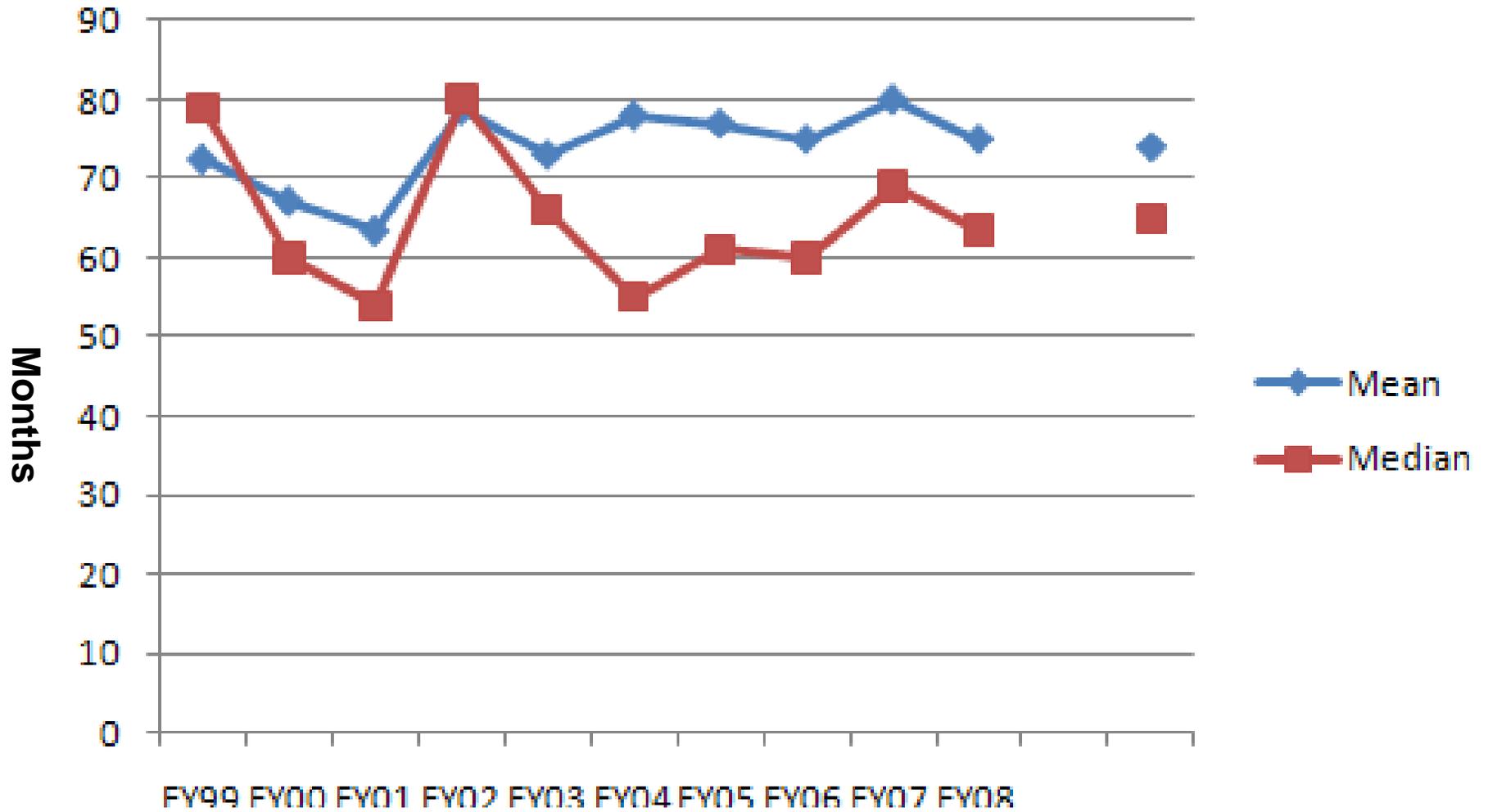


Yes, we appreciate the rush you and your people are in, but you'll just have to wait until our environmental impact report has been completed...



Moses meets NEPA 7.

Time to Complete the NEPA Process for FHWA Projects



Other Developments & Initiatives

- Emphasis on “User Friendly” Documents
- FHWA Vital Few Goal of Environmental Stewardship and Streamlining
- Linking Planning and NEPA
- Every Day Counts

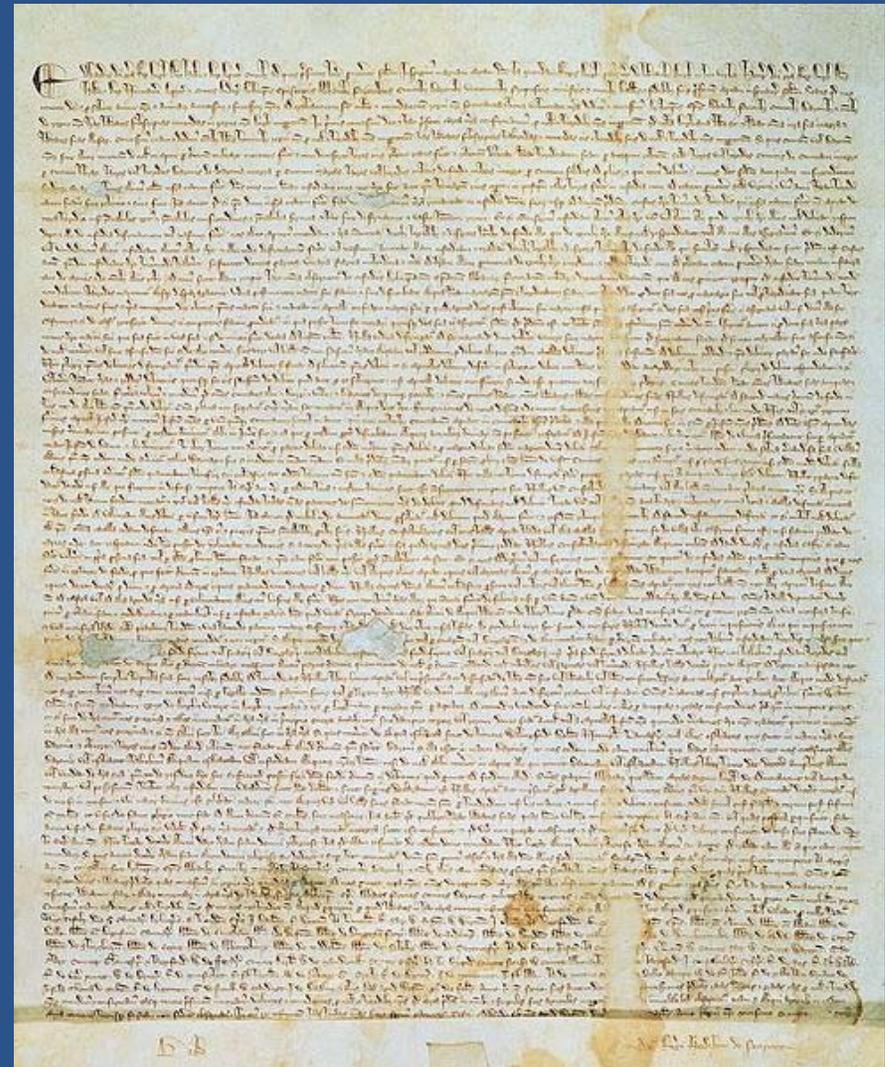


SAFETEA-LU, what did you do?

- 6001 – Environmental Considerations During Planning
- 6002 – Efficient Environmental Reviews for Project Decision Making
- 6003 – State Assumption of Responsibility for Recreational Trails & Transportation Enhancement Programs
- 6004 – State Assumption of Responsibility for Categorical Exclusions
- 6005 – Surface Transportation Project Delivery Pilot Program
- 6007 & 6009 – Section 4(f) Provisions

NEPA is the Magna Carta of environmental laws

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



“Thanks to the visionary act of Congress ..., our Federal government and the American public today have the benefit of a wealth of information on the state of the environment and on the potential environmental impacts of major Federal actions. NEPA is at its core, a mandate for informed, democratic decision making and its contribution to environmental protection is incalculable.”

1997 CEQ Annual Report on Environmental Quality