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Environment

NEPA Regulatory Framework and Process

Environmental Assessment

www.fhwa.dot.gov/federal-aidessentials

An overview of an agency's responsibilities when the significance of a Federal-aid project's environmental impacts is uncertain



The National Environmental Policy Act, known as NEPA, requires that the significance of a project's environmental impact be evaluated for all federally funded projects. The significance of the project's impact, not its size or cost, determines the necessary class of action as well as its process and documentation requirements.



An environmental assessment, called an EA, is required when the significance of the environmental impacts are uncertain. The purpose of this process is to clarify any uncertainty and document the finding. If no significant impacts are found, the process is concluded with a finding of no significant impact, referred to as a FONSI. But if there are significant impacts, an environmental impact statement, or EIS, is then completed.

To get a better sense of what's involved in an environmental assessment, let's follow a Federal-aid project designed to upgrade a scenic roadway.

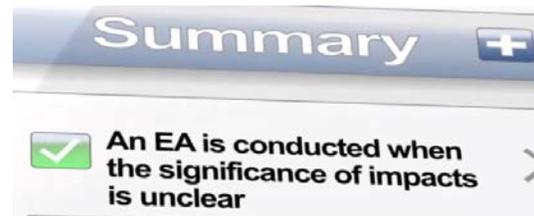


Currently, the town of Canyon can only be accessed by way of a two-lane road. Crash rates on that road are already high, and they are projected to worsen as the town continues to grow. The proposal is to widen the road to four lanes. Other options were evaluated but found not to solve the traffic and safety problems.

The project's purpose and need statement, along with the determination of alternatives, describe why the proposed project should be implemented.

The meandering nature of the road through the scenic canyon is the pride of area residents, and the county is committed to maintaining the area's natural feel. However, the road runs parallel to a stream that is the prime habitat of an endangered species of trout. Additionally, there are known petroglyphs in the area that can't be disturbed.

The project's manager does not anticipate any impact to these sensitive areas but, in consultation with the State department of



transportation, or DOT, he wants confirmation and decides to conduct an EA. Had there been

a significant impact, he would have initiated an environmental impact statement. In an initial project meeting, it was decided to conduct a biological assessment and archeological study of the area.

The resulting biological assessment highlights a potential negative impact to the fish habitat and recommends both a retaining wall and other design features that will help avoid encroachment on the stream and mitigate any potential adverse impact.

The final archeological study maps the petroglyphs and confirms that the project will not jeopardize them. In consultation with the appropriate Indian Nations, the report outlines



an opportunity to protect the petroglyphs and develop an interpretive display for the tribe's cultural awareness center.

As we have just seen, the nature and rigor of the environmental analysis depend on your project's potential for environmental impacts. These efforts can also serve to preserve and enhance our environment.

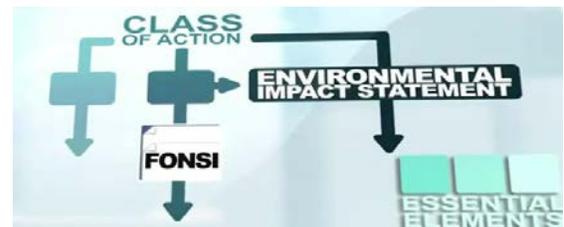
The project's team coordinates a review of the biological assessment by the U.S. Fish and Wildlife Service. It concurs that the project is not likely to adversely affect the endangered fish as long as the proposed mitigation plan is implemented.

At several public workshops, the team shares the project's purpose, need, alternatives and mitigation plan. Through this process, it is determined that the public is very supportive of the project.

Analyses, Federal agency coordination, public involvement, and follow-through on commitments are essential elements of this and other environmental assessments. These efforts guide the decision-making and the commitments you'll make on a Federal-aid project.

The Federal Highway Administration, or FHWA, decides whether the environmental assessment concludes in a FONSI or in a need to develop an environmental impact statement.

In our case, FHWA prepares a FONSI that includes all the mitigation commitments, and the project's team finalizes the design, complete with commitments to avoid or minimize impact to the stream and to develop a cultural center display.



Your State DOT has considerable knowledge and expertise in all areas of NEPA compliance. It's essential that you engage the State DOT and, when appropriate, FHWA early and throughout your project's entire environmental assessment preparation.

Additional Resources

- Guidance on NEPA and project development, including updated environmental policy, guidance, best practices and training
<http://environment.fhwa.dot.gov/projdev/pd3tdm.asp>
- FHWA's Office of Planning, Environment & Realty Web site links to topics for human and natural environmental impacts
<http://www.fhwa.dot.gov/environment/index.htm>
- Federal regulation defining environmental assessment class of action
<http://www.ecfr.gov/cgi/t/text/text-idx?c=ecfr;sid=cd57244fb59738ef1e8c59072252dc3a;rgn=div5;view=text;node=23%3A1.0.1.8.43;idno=23;cc=ecfr#23:1.0.1.8.43.0.1.10>

The content of this document is not a substitute for information obtained from State departments of transportation, appropriate FHWA Division Offices, and applicable laws. Scenarios have been simplified for emphasis and do not necessarily reflect the actual range of requirements applicable to the scenario or this topic. This document was created under contract number DTFH61-11-D-00024 by the Federal Highway Administration, U.S. Department of Transportation, and is offered to the public to heighten and focus awareness of Federal-aid requirements within the local public agencies community and reinforces the importance of these necessary policies, procedures, and practices.

This companion resource is the script content for the video production of the same name.