

Check out
the video

Environment

NEPA Regulatory Framework and Process

Documentation and the Environmental Process

www.fhwa.dot.gov/federal-aidessentials

Documenting impacts and proposed mitigation is an essential element of NEPA



The National Environmental Policy Act, also known as NEPA, is an environmental law that established the decision-making process that agencies must follow prior to the design and construction of transportation projects using Federal funding or requiring Federal approval.

Following the right process or class of action is important and is determined by the significance of the impacts your project is likely to have on the human and natural environment. The significance of its impact, not its size or cost, will direct you to the appropriate class of action and will help you identify the requirements for other essential elements such as documentation, public involvement, and coordination.

Documentation is an essential element of NEPA.

Your NEPA document discloses any



environmental impacts related to your project as well as what your agency can do to avoid or minimize them. Furthermore, your

documentation provides evidence of compliance with any applicable law.

Because transportation projects have different potential for environmental impacts, the level and detail, type and degree of documentation vary.

Typically, during the initial coordination meeting with your State department of transportation, your



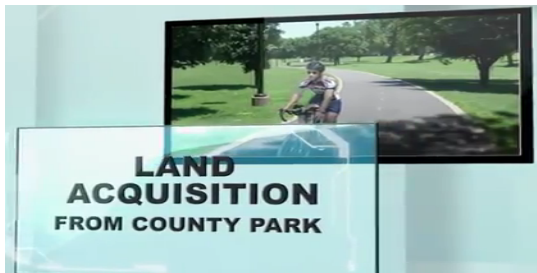
DOT, analysis and documentation requirements are determined. The requirements are fluid, and as you progress through the project and learn more about its potential impacts, you may find that some activities are necessary while others are not.

Broadly speaking, the necessary documentation includes:

- Technical studies, such as for impacts to endangered species, wetlands or historic properties
- Correspondence related to impacts to public property or lands
- Descriptions of public involvement activities, including efforts to disclose project information to the public

Formal NEPA documents are also needed if your project requires an environmental assessment or environmental impact statement.

To illustrate these requirements, let's see what is needed for a bike path proposal, one that requires the acquisition of 30 feet of land from the edge of a county park. In a meeting with personnel from the State DOT and the Federal Highway Administration (FHAA), the parties agree that the impact to the park is expected to be minimal, but review is needed to confirm that



assumption. The final project file includes:

- Technical studies regarding endangered species
- Details supporting the *de minimis* finding concerning the minimal use of the park land

Here is a different project, one for a proposed roadway realignment that borders wetlands and will displace an old farmhouse.



At the onset of the project, a site visit is attended by personnel from the State DOT, FHWA, the U.S. Army Corps of Engineers and the State Historic Preservation Office (SHPO). It is determined that a study is needed to assess the impacts to the wetlands. But while the farmhouse is over 50 years old, it is not eligible for listing on the National Register of Historic Places.

This project's file also includes:

- Coordination efforts with the U.S. Army Corps of Engineers due to adjoining wetlands, a property map that shows no public parks in the project area
- A SHPO letter verifying that the farmhouse is not eligible for listing,
- A copy of a direct mailer sent to area residents inviting them to attend a workshop on the proposed project
- A printout from a Web site that provides additional ways area residents can provide comments about the effects of the project



As we have just seen, the necessary documentation supporting technical studies, interagency coordination, and public involvement depends on the project's potential for environmental impacts.

There are also specific requirements for the documentation and timing of Section 4(f) property approvals, such as parks, recreation areas, wildlife refuges and historic sites. Your State may have additional requirements.

When using Federal-aid funds for a project, the NEPA and other environmental regulations must be followed. Your State DOT can help determine the likely significance of your project's environmental impacts and may provide technical assistance to prepare appropriate documentation.

Two excellent publications on preparing environmental documentation are available from the American Association of State Highway and Transportation Officials, also known as AASHTO. The publications can be found on the Center for Environmental Excellence Web site.

Additional Resources

- FHWA guidance for preparing and processing environmental and Section 4(f) documents
<http://environment.fhwa.dot.gov/projdev/impTA6640.asp>
- AASHTO's *Practitioners Handbook* on maintaining project files and preparing an administrative record for a NEPA study
<http://environment.transportation.org/pdf/programs/PG01.pdf>
- AASHTO report on improving quality of environmental documents
http://environment.transportation.org/pdf/nepa_process/QUALITY_NEPA_DOCS.pdf

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-00025 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.