



Introduction to NEPA

Port of Hood River Commission – Work Session

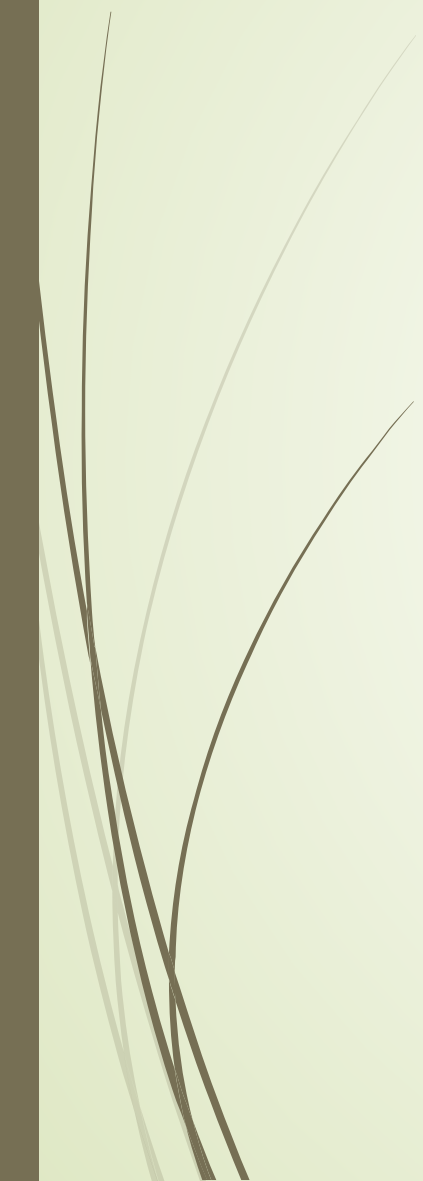
Angela Findley, WSP, Senior Project Manager

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Overview

- What is NEPA?
 - NEPA implementation
 - Role of agencies, stakeholders and the public
 - Integration with permits and regulatory clearances
- 



National Environmental Policy Act of 1969

- A procedural law
- Establishes a **national environmental policy**
- Provides a **framework for environmental planning and decision-making** by Federal agencies
- Directs Federal agencies, **when planning projects or issuing permits**, to conduct environmental reviews to consider the potential impacts on the environment by their proposed actions prior to making decisions

NEPA Requires and Encourages



- Systematic and interdisciplinary approach
- Investigations, reviews, consultations and compliance coordinated as a single process
- Meaningful evaluation of alternatives
- Early and continuous interagency and public involvement
- Mitigation of adverse effects
- Decisions made in the best overall public interest
- Certain activities shall not proceed before a NEPA decision is made



NEPA Implementation

- ▶ **Federal agencies act as environmental trustees and must:**
 - ▶ Assure safe, healthful, productive, esthetically and culturally pleasing surroundings
 - ▶ Attain widest range of benefit without degradation or undesirable and unintended consequences
 - ▶ Preserve important historic, cultural, and natural aspects
 - ▶ Achieve a balance between population and resource use
 - ▶ Enhance the quality of the environment



The NEPA Umbrella

- Acquisition Policies Act of 1970
- Americans with Disabilities Act
- Archaeological and Historic Preservation Act
- Archaeological Resources Protection Act
- Clean Air Act
- Clean Water Act 404
- Economic, Social and Environmental Effects
- Endangered Species Act
- Executive Order 11988, Floodplain Management
- Executive Order 11990, Protection of Wetlands
- Executive Order 12898, Environmental Justice
- Farmland Protection Policy Act
- Highway Noise Standards
- National Historic Preservation Act
- Noise 23 CFR 772
- Public Hearing Requirements 23 USC 128
- Resource Conservation and Recovery Act
- Section 4(f) of USDOT Act (49 USC 303)
- Title VI of Civil Rights Act of 1964
- Uniform Relocation Assistance and Real Property
- Wetlands 23 CFR 777
- And much more...

NEPA Process – Essential Elements



Purpose and Need

Alternatives

Impacts and Mitigation

Public Involvement

Interagency Coordination

Documentation and Decision

NEPA Process Options – Classes of Action

Environmental Impact Statement (EIS)

- Action is expected to have significant impacts and/or public controversy
- Decision document is the Record of Decision (ROD)

Environmental Assessment (EA)

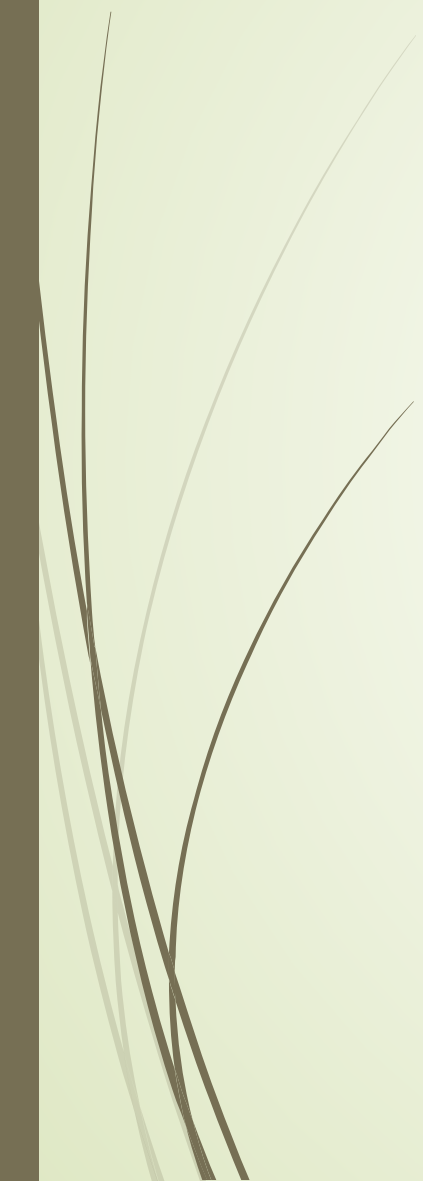
- Unknown if impacts would be significant
- Decision document is a Finding of No Significant Impact (FONSI) or reclassification to an EIS

Categorical Exclusion (CE)

- Action is not expected to have significant impacts or public controversy
- Some CEs may require additional documentation (DCE)
- CEs and DCEs are typically signed by a Federal agency or its delegate



What is a “significant” impact?

- Measured from broader perspective rather than an individual perspective
 - A matter of context and intensity
 - Only wetland in the desert compared to one of many wetlands on the coast
 - Impacts that can be mitigated compared to those that are difficult to mitigate
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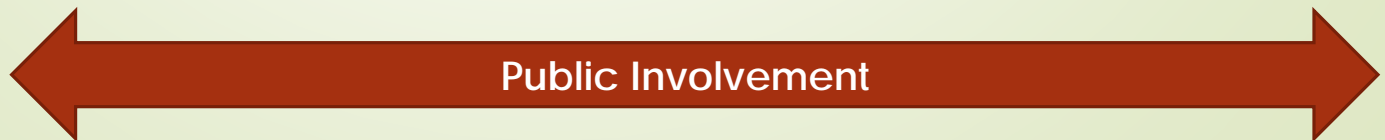
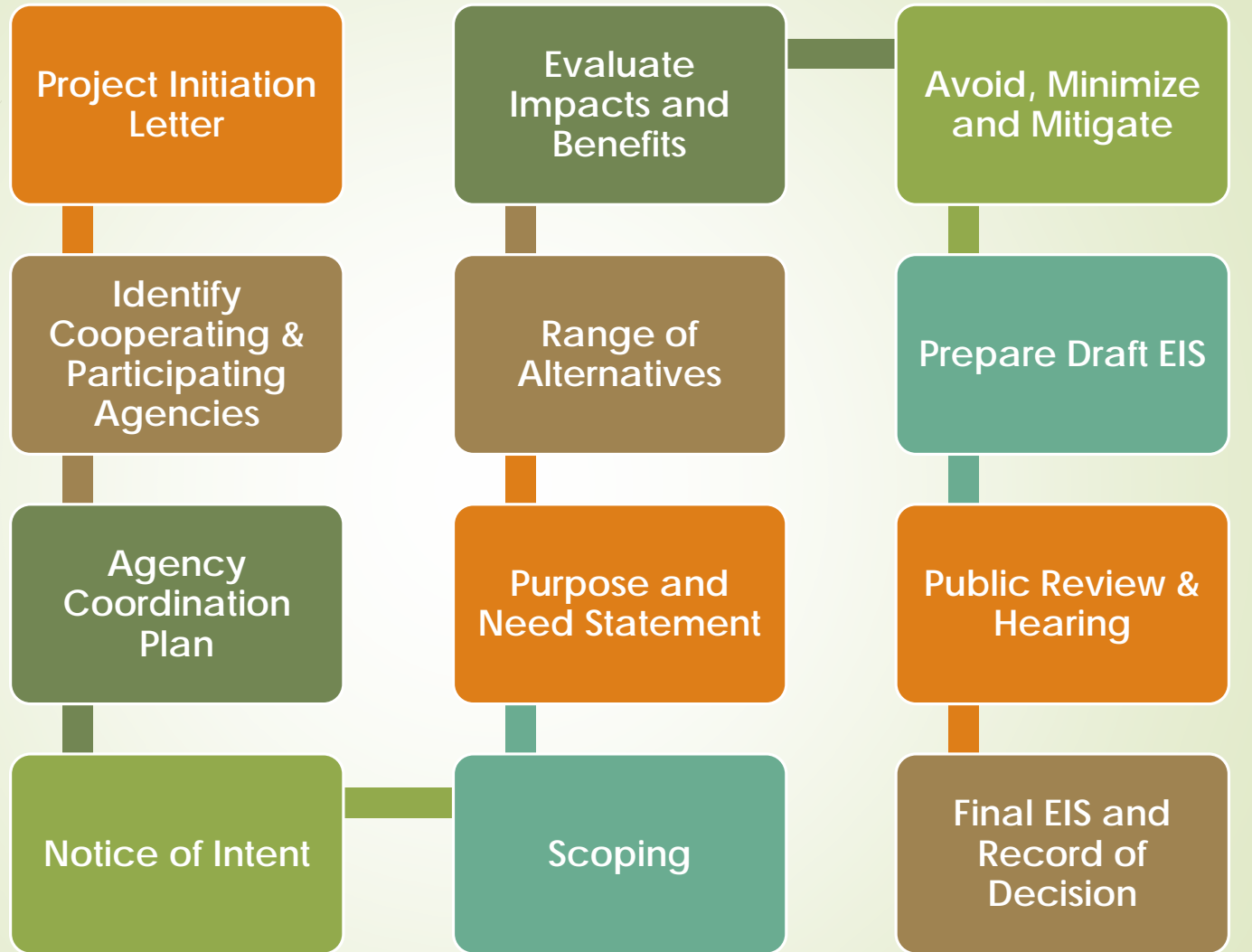


How does NEPA translate to a project?

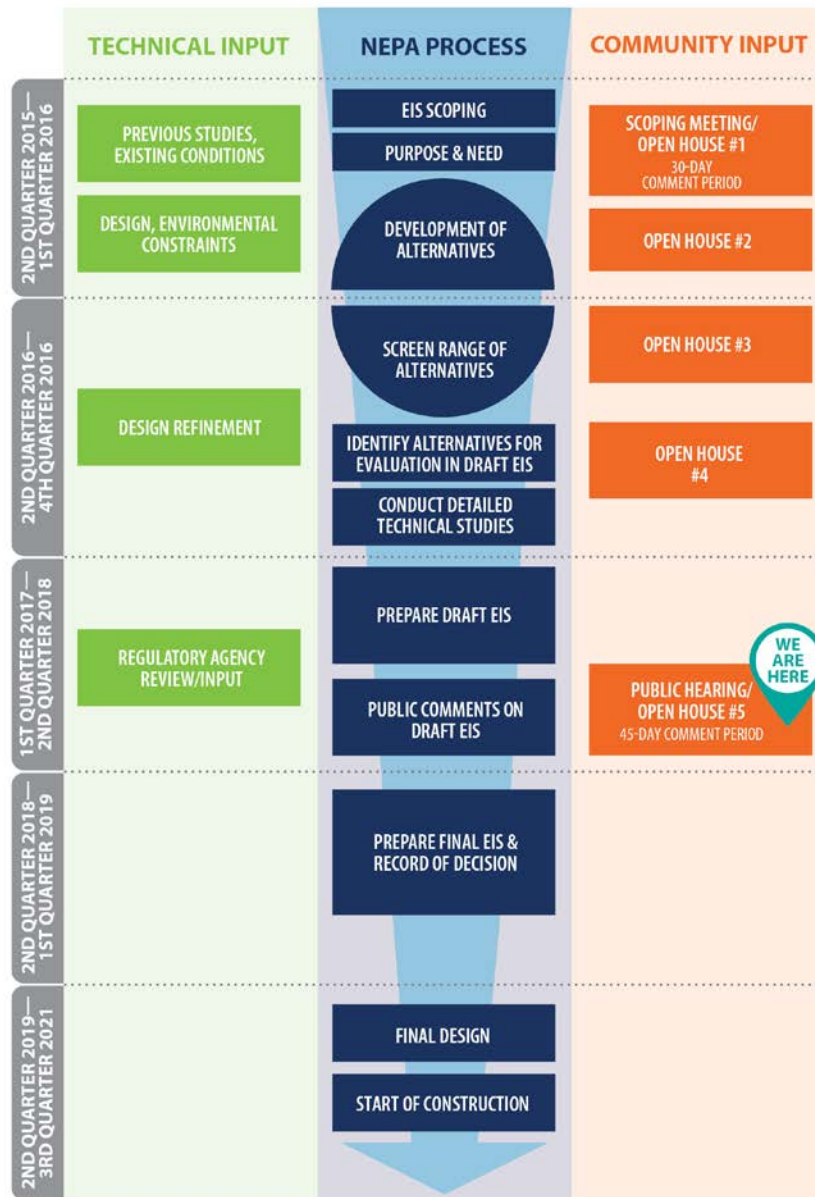
- ▶ Provides a straight-forward, logical, and informed decision-making process
- ▶ Involves the public in decisions
- ▶ Discloses what impacts are likely to result if a course of action is taken
- ▶ Documents decisions and supporting rationale

Avoids arbitrary or capricious decisions

Steps for an EIS

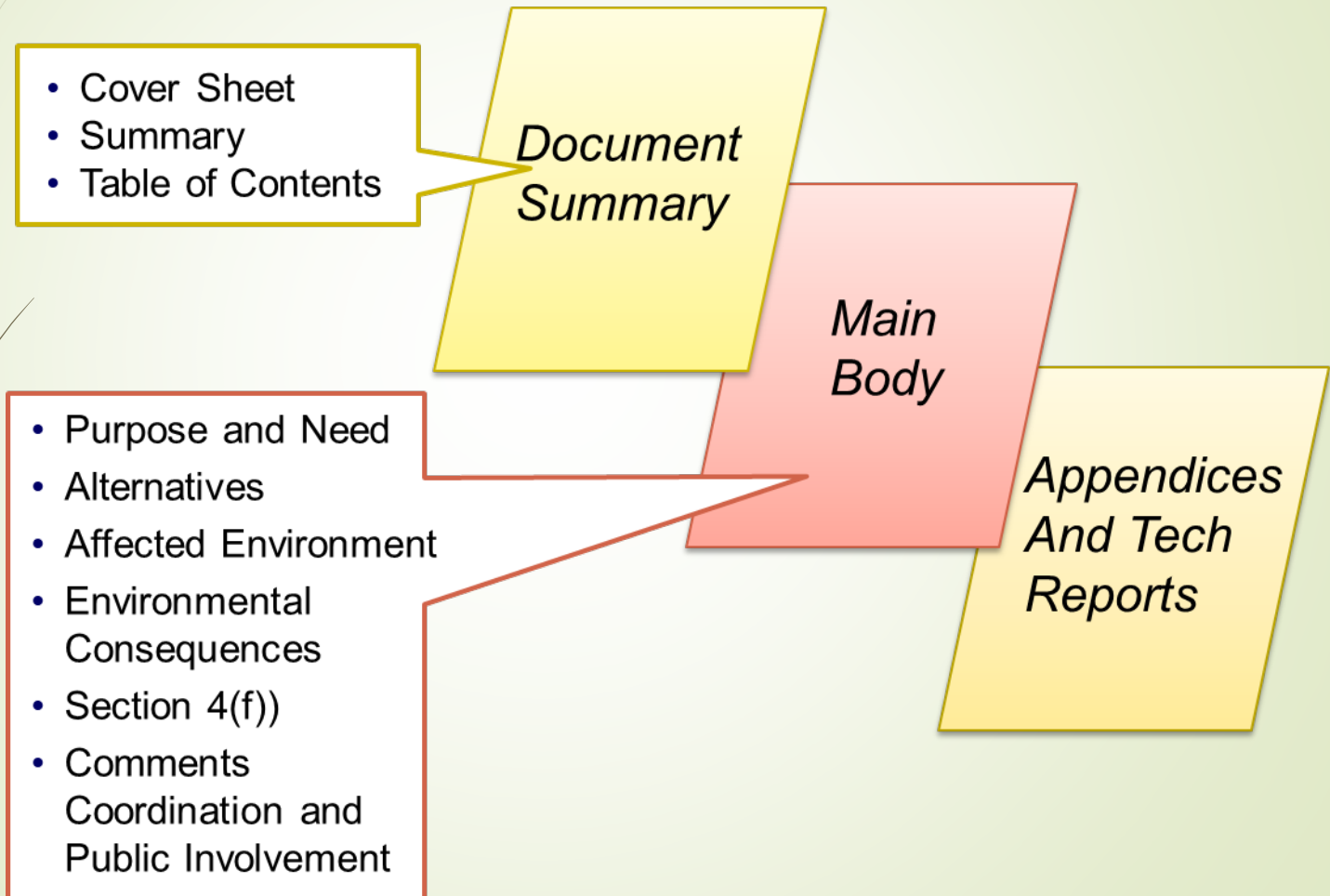


ENVIRONMENTAL IMPACT STATEMENT (EIS) PROCESS



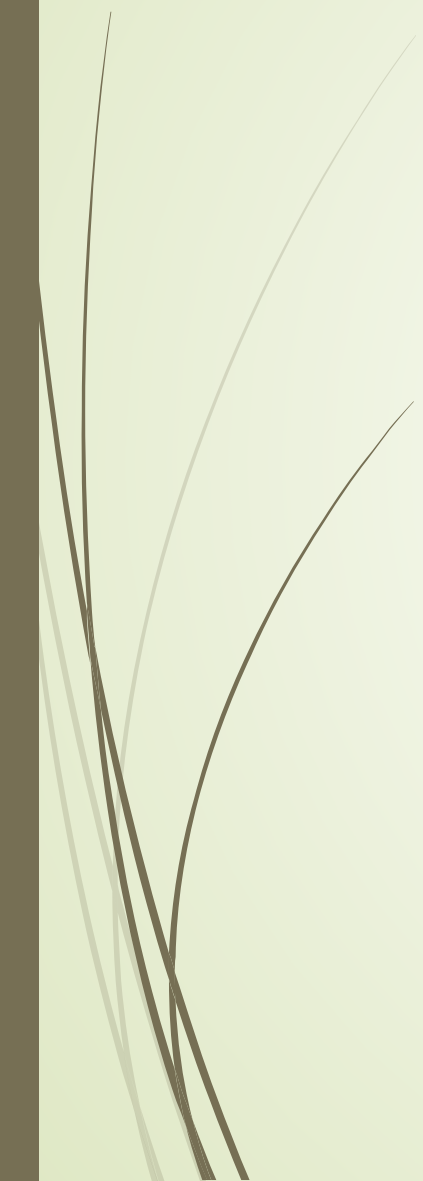
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EIS Organization





Supplemental Draft or Final EIS

- Required if new information or circumstances would result in significant impacts not identified in the Draft or Final EIS
 - Elapsed time between the Draft and Final EISs
- 



Collaborative Decision-making through Effective Interagency Coordination

- ▶ **Lead Federal Agency** is responsible for overall management and facilitation of NEPA compliance
- ▶ **Joint Lead Agency(ies)** may be involved and can include other Federal, state and local agencies
- ▶ **Participating agencies** (FHWA/FTA projects) are invited by the Lead Federal Agency and can include other Federal, state, tribal, regional and local government agencies.
 - ▶ Participate in decisions related to purpose and need, range of alternatives, methodologies, level of analysis
 - ▶ Identify issues of concern
 - ▶ Provide meaningful and timely input on unresolved issues
 - ▶ Participate in the scoping process



Collaborative Decision-making

(continued)

- ▶ **Cooperating agencies** are other Federal agencies that have jurisdiction with respect to project impacts; may also include state, tribes or local agencies.
 - ▶ Similar role as participating agency
 - ▶ Higher degree of authority, responsibility and involvement in the environmental review process
 - ▶ May adopt the EIS for their NEPA compliance responsibilities



Agency, Stakeholder and Public Engagement

- ▶ It is FHWA policy to:
 - ▶ **Pursue communication and collaboration** with Federal, state, and local partners in the transportation and environmental communities
 - ▶ **Seek new partnerships** with tribal governments, businesses, transportation and environmental interests groups, resource and regulatory agencies, affected neighborhoods, and the public.
 - ▶ **Ensure that those historically underserved** by the transportation system, including minority and low-income populations, are **included in outreach**.
 - ▶ Actively involve partners and all affected parties in an **open, cooperative, and collaborative process**, beginning at the earliest planning stages and continuing through project development, construction, and operations.
 - ▶ Ensure the development of **comprehensive and cooperative public involvement programs** during statewide and metropolitan planning and project development activities.



Agency, Stakeholder and Public Engagement

(continued)

- ▶ Flexibility at the project-level
- ▶ Projects have utilized various advisory committees to create a recommendation and decision-making process
 - ▶ Citizen advisory committees
 - ▶ Technical advisory committees
 - ▶ Policy advisory committees
 - ▶ Steering committees
- ▶ EISs require public input opportunities during scoping and review of the Draft EIS – many other milestones are typically vetted with the public



Clearances during NEPA



NEPA Umbrella

- Endangered Species Act
- National Historic Preservation Act
- Section 4(f) of the USDOT Act
- Executive Order on Environmental Justice
- And more...



Land Use and Planning

- Some planning actions may need to occur prior to the Final EIS publication



Washington SEPA

- Integrated compliance through the NEPA EIS



Permits after NEPA

Agency Consultations

- Undertaken during NEPA to streamline permit issuance

Federal agency permits

- Require a NEPA decision before issuance
- US Army Corps of Engineers
- US Coast Guard

State & Local Permits

- Typically follow NEPA
- Wetlands, shoreline development
- Water quality and storm water
- Waterway/aquatic leases
- Land use reviews
- National Scenic Area



Questions

