TRIBAL TRANSPORTATION TRAINING 2020

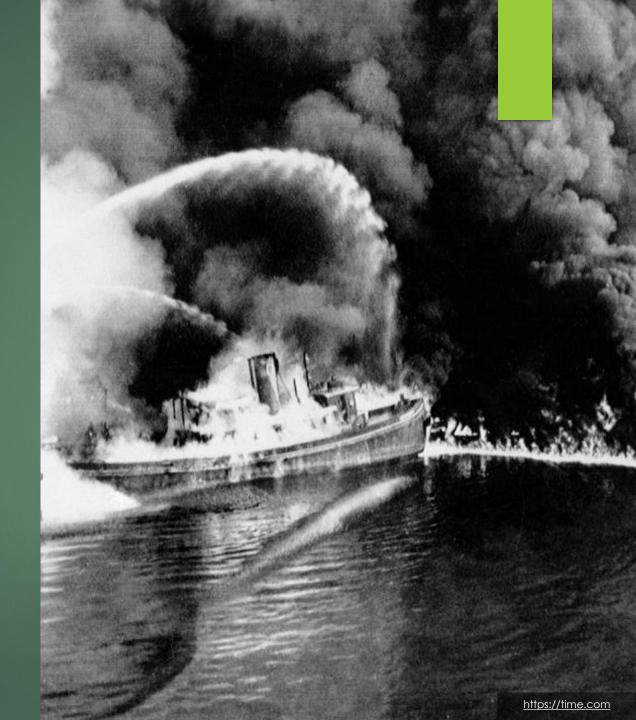
NEPA 101

What is NEPA?

- National Environmental Policy Act (NEPA): 1st major Federal legislative effort to incorporate environmental considerations into all governmental decision-making.
- Promotes the enhancement of the environment and established the President's Council on Environmental Quality (CEQ)
 - ▶ Law enacted on January 1, 1970

Why?

- Increased public appreciation and concern for the environment in the 1960s
 - Rachel Carson's Silent Spring
 - Santa Barbara oil spill, 1969
 - Most famously, the Cuyahoga River fire, 1969



3 Sections of NEPA

- Outlines national environmental policies and goals
- Est. provisions for federal agencies to enforce such policies and goals
- 3. Est. the CEQ in the Executive Office of the President



Purpose

- Environmental factors weighted equally when compared to others in the decision-making process by federal agencies
- CEQ to advise the President on the progress of federal agencies on implementing NEPA
- CEQ to advise the President on environmental policy and the state of the environment

Compliance with NEPA is mandatory if..

- ▶ It's a federal project or action
- Federal funds or assistance are used at some phase of the project
- A federal permit or license is required

Key Elements



Determine the project's purpose and need



Determine potential environmental impacts



Coordinating with relevant agencies



Determining solutions for unavoidable impacts



Documentation of analysis and decisions through records

NEPA Review Process

- Environmental review under NEPA can involve three different levels of analysis:
 - Categorical Exclusion determination (CATEX)
 - Environmental Assessment/Finding of No Significant Impact (EA/FONSI)
 - Environmental Impact Statement (EIS)
- Each federal agency has adopted its own NEPA procedures.

Categorical Exclusion (CATEX)

- Federal action does NOT "individually or cumulatively have a significant effect on the human environment"
- Often, a listed CATEX action est. by the agency
 - Must make sure there are no extraordinary circumstances (ex. effects to wetlands, cultural sites, endangered species)
- Most common level of environmental review

FHWA CATEX Examples

- Roadway resurfacing and rehabilitation projects
- Construction of bicycle and pedestrian lanes
- Landscaping
- Bridge rehabilitation
- Installation of fencing, signs, etc.



Environmental Assessment (EA)

- Federal actions where the significance of the environmental impact is not clearly defined.
- Concise document with:
 - ▶ The need for proposal
 - Alternative actions
 - Environmental impacts of proposed action and alternatives
 - Documentation of agencies consulted
 - Finding of No Significant Impact (FONSI) or determination to proceed to EIS

Environmental Impact Statements (EIS)

- A federal action significantly affecting the quality of the human environment
- Process includes:
 - Notice of Intent (NOI): informs public of upcoming analysis and how they can be involved
 - Draft EIS: published for public review and comment; minimum of 45 days
 - Final EIS: published and provides responses to comments
 - Record of Decision (ROD)

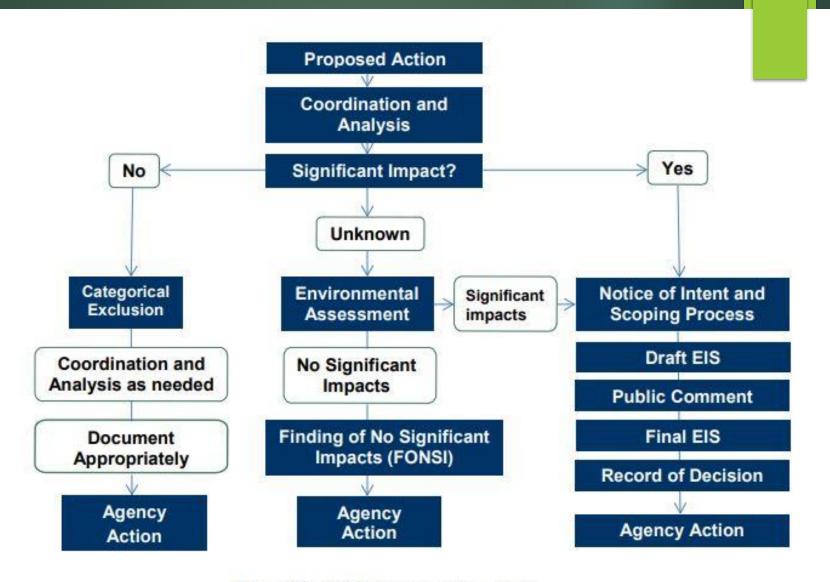


Figure 9-1: NEPA process flowchart

Environmental Checklist

- NEPA requirements vary between federal agencies
- For FHWA → TTP Environmental Checklist
- Consult with the regulatory agency!

Revised 1-23-2019

Exhibit 7.1 - TTP ENVIRONMENTAL CHECKLIST

ribe Name:	Is Project on an approved TTIP?
roject Name/Number:	NTTFI Route No. and Section:
ECTION 1: PROJECT DETAILS	
Purpose and Need: Briefly describe and why.	e what the transportation problems are that need to be addressed
construction activities. Describe how	e project including location, limits, design elements, and the proposed project will address the needs described above. Attach maps, aerials, photos, etc. to help visualize the project.
the project must have independent u reasonable expenditure even if no ac	rmini requirements related to connected actions and segmentation (i.e. tility, connect logical termini when applicable, be usable and be a dditional transportation improvements in the area are made and ternatives for other reasonably foreseeable transportation

Area of Potential Effect

- Determine the area of potential effect (APE)
 - maximum geographic area to potentially have an effect
- Not to be confused with the project area

Figure 2. Surveyed Area



figure 1. Topographic Location Map





NEPA Considerations

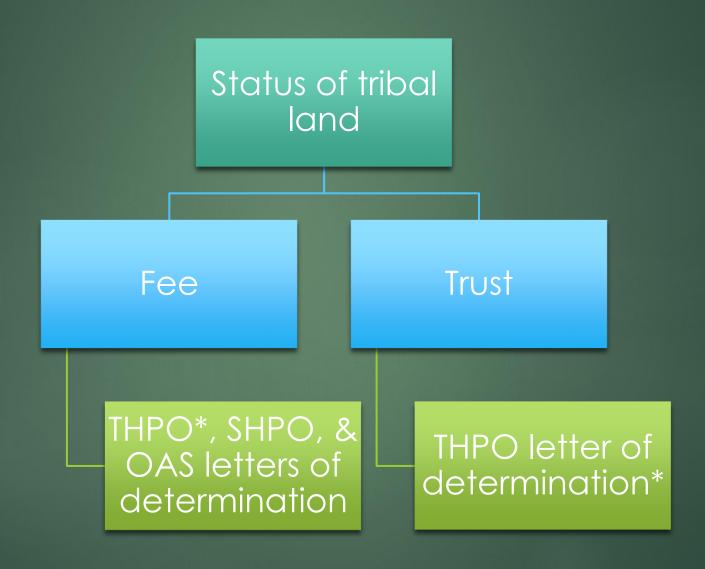
- ► Historical and Cultural Resources
- ▶ Biological Resources
- Water Resources
- Farmland Protection Policy Act of 1981
- ▶ Wild & Scenic Rivers
- Air Quality
- Socioeconomic & Environmental Justice
- Noise

Historical and Cultural Resources

- National Historic Preservation Act (NHPA) Section 106
- Requires federal agencies to take into account the effects of undertakings on historic or cultural properties
- Requires consult with:
 - State Historic Preservation Office (SHPO)
 - Oklahoma Archeological Survey (OAS)
 - Tribal Historic Preservation Offices (THPO) or Tribes



NHPA Section 106



Biological

- Endangered Species Act (ESA), Section 7
 - Ensure actions do not jeopardize the existence of any listed species
 - Information for Planning and Consultation (IPaC)
 - Threatened and endangered species
 - Wildlife Refuges and Fish Hatcheries
 - ► Migratory Birds
 - ▶ Wetlands

ESA Section 7 – CPN Example

American Burying Beetle (Nicrophorus americanus)



Piping Plover (Charadrius melodus)



Least Tern (Sterna antillarum)



Whooping Crane (Grus americana)



Arkansas River Shiner (Notropis girardi)

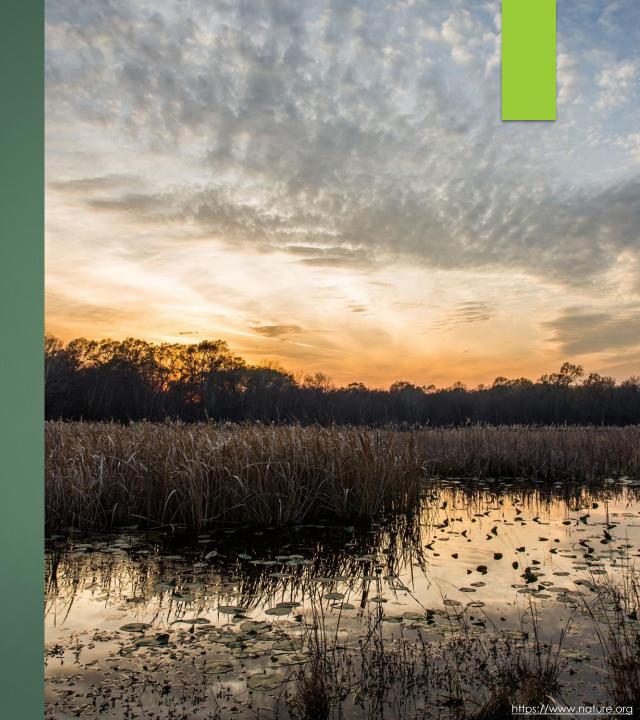


Red Knot (Calidris canutus rufa)



Water Resources

- Wetlands (Executive Order #11990)
 - Natl.
 Wetlands
 Inventory
 - IPaC
- Floodplains (Executive Order # 11988)
 - FEMA Flood Maps



Permits

Section 401 of CWA

- Section 404 of CWA
 - Impacts to WOTUS
- Section 402 of CWA
 - > 1 acre of ground disturbance
 - NPDES permit
- Section 9 & 10 of Rivers and Harbors Improvement Act
 - Construction over navigable waterway

Consult with Regulatory Program

Farmland Protection Act of 1981

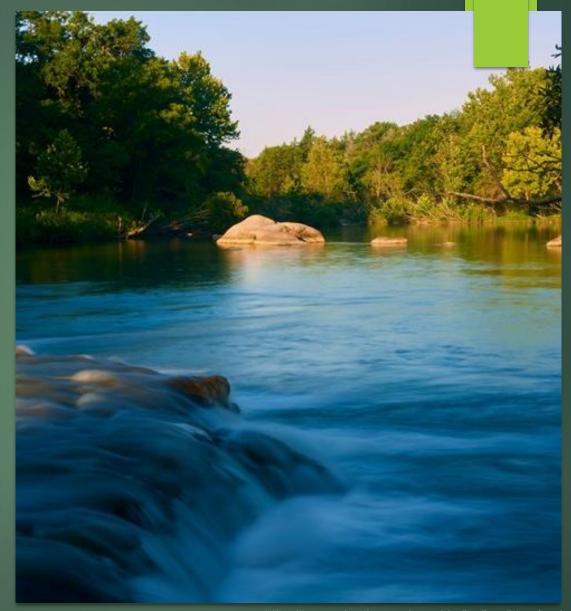
- "Minimize the unnecessary and irreversible conversion of farmland to nonagricultural uses"
- Web Soil Survey, NRCS
- AD-1006 FarmlandConversion ImpactRating

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Name of Federal agency representative completing this form: Date:	e completing this form:				D	ate:			

(See Instructions on reverse side) Form AD-1006 (93-02)

Wild and Scenic Rivers Act

- Nationwide Rivers Inventory (NRI) is a listing of river segments believed to possess "outstanding remarkable" natural or cultural values
- Federal agencies must seek to avoid or mitigate actions that would adversely affect NRI segments



https://www.adventureroad.com/destinations/blue-river/

Air Quality

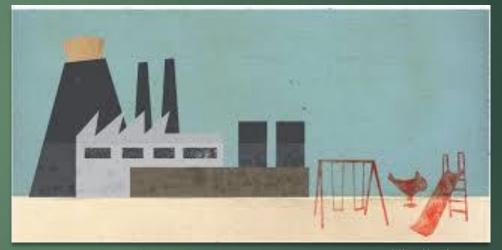
- Is the project in an "nonattainment" or "maintenance" area?
 - ► EPA SIP Reports
- Regardless, air quality concerns related to the project need to be addressed



https://westchestermachinery.com

Socioeconomic and Environmental Justice

- Concern over environmental impacts in minority and low-income populations
- Will the project result in disproportionally high and adverse human health or environmental effects?
 - ▶ Traffic patterns
 - Job creation



https://ensia.com

Noise

- Must consider project-generated noise
- What is the current land use and noise sensitivity?
- Mitigation or minimization



https://www.metro.net

CPN: Historic Bridge Preservation Project

- Built 1917, the only rainbow bridge in Oklahoma
- Posted on the Natl.
 Register of Historic
 Places in September,
 2010
- Rainbow Arch Bridge rehabilitation in 2017 in honor of its 100th birthday
 - \$300,000 provided by FHWA
- What level of NEPA?



Contact Information

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