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the video

Environment

NEPA Regulatory Framework and Process

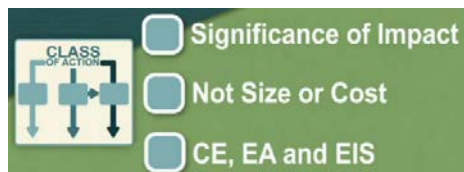
NEPA Compliance and Class of Actions

www.fhwa.dot.gov/federal-aidessentials

Three classes of action are used for evaluation of impacts a project is likely to have on the human and natural environment



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 to identify the requirements for other essential elements such as documentation, public involvement, and coordination.

Context, or the environmental setting, and intensity of the impact on a particular resource are two considerations when determining the significance of impact.



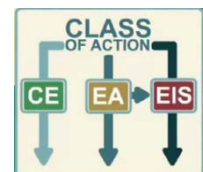
To explain, assume your project is not the type generally associated with a significant impact such as adding a turn lane to an existing

intersection. But what if the project is within a historic district?

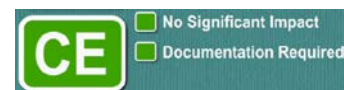
In this context, the environmental impact of your project may be greater than you initially assumed.

As another example, let's assume you're displacing a private home to widen a lane on a city street. Again, this may not appear to be significant. But what if a day care facility is operated out of the home and it's the only one within a twenty mile radius? The potential effects on a number of local families are felt more intensely, and the significance of the impact may need to be examined in more detail.

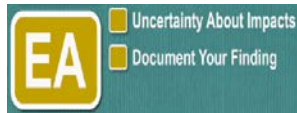
Depending on the significance of the impact, there are three classes of action that may be initiated to comply with NEPA. They include, in order of significance: categorical exclusions, environmental assessments, and environmental impact statements



The categorical exclusion determination is for types of projects identified in regulations that are not expected to have significant impacts. Even so, there are requirements for documenting that



expectation. Federal-aid projects qualify for a categorical exclusion more than 90 percent of the time.



The environmental assessment is for projects that have uncertainty about

whether the proposed action will have a significant impact on the environment. The purpose of this process is to clarify any uncertainty and document your finding. If no significant impacts are found, the process is concluded alternatively. If significant impacts are found, an environmental impact statement is prepared.



The environmental impact statement is prepared for projects that are expected to significantly affect

the quality of our human or natural environment. Typically, these are major transportation improvements costing millions of dollars – but not always. Significant impacts can result from minor projects in sensitive environmental or cultural areas and highly developed urban areas as well.

All Federal Highway Administration (FHWA) funded or approved projects are subject to the NEPA process – each requires environmental analysis, review, and public involvement. It's the amount of analysis and review and the level of involvement that differs, depending on the class of action and nature of the project.

For example, a project being processed as a categorical exclusion may be as simple as completing a checklist, form, or memo to document the environmental impacts of the project.

On the other end of the spectrum, a project in the environmental impact statement class will include the examination of alternatives and perhaps additional mitigation strategies. It will also include formalized processes to collect public comments circulate information and document findings.

Your State department of transportation (State DOT) has considerable knowledge and expertise in all areas of NEPA compliance. The people there can help you ask the right questions early on to determine the significance of the impacts on your project and, consequently, the appropriate class of action.

The FHWA can also partner with your State DOT on behalf of your agency's project by providing technical assistance and coordination with other Federal agencies. The FHWA is the final authority when determining the appropriate class of action and all other aspects related to NEPA compliance. Therefore, it's essential that you engage the State DOT and, when appropriate, FHWA early and throughout your project's entire process



Additional Resources

- FHWA guidance on essential elements of the NEPA process
<http://environment.fhwa.dot.gov/projdev/pd3tdm.asp>
- Federal regulations on the three classes of action: categorical exclusions, environmental assessments, and environmental impact statements
<http://www.ecfr.gov/cgi/t/text/text-idx?c=ecfr&sid=91f7725b7571367f4499a277c826ae65&rqn=div8&view=text&node=23:1.0.1.8.43.0.1.8&idno=23>
- Federal regulations on environmental impact and related procedures
<http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=b2fetc14ca9484c58a6c19cc830575bf&rqn=div5&view=text&node=23:1.0.1.8.43&idno=23>
- Text of National Environmental Policy Act of 1969
<http://ceq.hss.doe.gov/nepa/regs/nepa/nepaeqia.htm>
- Council on Environmental Quality's regulations for implementing NEPA
http://ceq.hss.doe.gov/nepa/regs/ceq/toc_ceq.htm

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.