

3. Environmental Assessment (EA) and Finding Of No Significant Impact (FONSI)

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3.1. Overview

An Environmental Assessment (EA) is a brief document, generally about 10 to 25 pages in length, prepared when there is uncertainty as to the significance of the project's impacts. It can be longer, if necessary, when project effects involve several impact categories. The significance of project impacts are not determined by the number of impact categories involved with the project, but by the magnitude of the impact, whether individually or cumulatively.

The EA can be brief because it is a qualitative document that outlines the anticipated project impacts, and it is supported by technical analyses appended to it (i.e. engineering studies, wetlands finding, T&E biological assessments, conceptual stage relocation study, essential fish habitat assessment, noise impact study, or hazardous waste assessment).

If no significant impacts are identified, FHWA will issue a Finding Of No Significant Impact (FONSI). The FONSI is the decision document that allows the design manager to request ATP to Final PS&E.

3.2. EA Format and Organization

You must use the following format for all EAs:

- Use 8 1/2" X 11" paper for the body.
- Write all text along the vertical axis of the paper.
- Use "Times New Roman" font, 11-point size, with line spacing set at single. *For the intradepartmental and FHWA review EAs, use a line spacing of 1.5.*
- Use figures, tables, and photographs that are clear and concise.

- Don't use "Plan and Profile" drawings and other engineering type drawings as EA graphics; instead, include them in the technical appendices.
- Figures should be simple line drawings with color added when clarity is necessary or when appropriate.
- For consultant-prepared documents, there should be no company or corporate logos on the cover, in any figures, or on any pages.
- Include a footer on each page that shows the project name and number.

The organization for the EA is:

1. Title Page
2. Table of Contents
3. Proposed Action
4. Purpose and Need
5. Alternatives (required if the project could impact protected resources or require relocations)
6. Environmental Consequences
7. Comments and Coordination
8. Section 4(f) Evaluation, if applicable
9. Appendices

Appendix B gives detailed instructions on preparation and content of an EA.

3.3. Preliminary EA

3.3.1 *Intradepartmental and FHWA Review*

After you have prepared the preliminary EA, submit it to the regional environmental coordinator. The coordinator will:

1. Transmit one copy of the preliminary EA to each "functional group" supervisor for a regional review by the Statewide Design & Engineering Services Division (D&ES).

2. Transmit one copy of the preliminary EA to the state environmental coordinator and, if applicable, one copy to the state bridge engineer.
3. Transmit at least two copies of the EA to the regional director for review (i.e. Planning and M&O, etc).
4. After the intradepartmental review, submit two copies of the revised preliminary EA to the FHWA Division Office for review.
5. FHWA then approves release of the preliminary EA for agency review for those projects being developed under the NEPA/404 Merger Agreement. Notification of this approval may be informal, such as a phone call or e-mail. The coordinator sends each signatory agency one copy of the EA and technical reports for their review and comment for a 20-day period prior to the formal request for comments. This is required by the Merger Agreement and does not occur without FHWA concurrence.

The coordinator should provide each reviewer with the following as appropriate:

- One copy each of all supporting technical reports, such as Noise Report, Air Quality Report, Conceptual Stage Relocation Plan, Contamination Screening Evaluation Report, Engineering Report, Wetland Evaluation Report, Endangered Species Biological Assessment

Address comments made on the preliminary EA as appropriate. This may require a face-to-face meeting with specific reviewers to address comments.

3.3.2 Intradepartmental Recommendation and FHWA Approval

After you have revised the EA, submit it to the regional environmental coordinator. The coordinator will:

1. Submit two original title sheets to the preconstruction engineer for signature.
2. Submit to FHWA Division Office for their approval:
 - Two copies of the EA and the original signature sheets

- One copy each of all supporting technical reports, such as Noise Report, Air Quality Report, Conceptual Stage Relocation Plan, Contamination Screening Evaluation Report, Engineering Report, Wetland Evaluation Report, Endangered Species Biological Assessment

3.3.3 Approved EA for Distribution

The FHWA will:

- Forward one copy of the signed title sheet to the preconstruction engineer for publication of the EA and availability notification and public hearing purposes.

The regional environmental coordinator must:

- Publish a notice advertising the “availability for review” of the EA in a local newspaper and in the Alaska Administrative Journal. The notice should include the time, date, and location of the public hearing (if one is proposed) or indicate that the Department will hold a hearing upon request.
- Send a copy of the EA to state and federal resource agencies, local government agencies, and anyone who has previously requested a copy of it.
- Provide a minimum comment period of 30 days from the publication of notice.
- Make copies of the EA available for public review at locations listed in the notice (e.g. public library, city hall, DOT&PF Regional Office, and FHWA Division Office).
- If a hearing is proposed, the EA must be available for public review at least 21 days prior to the public hearing. Comment period cannot end for at least 10 days after the hearing.

3.4. Revised EA

Following the public and agency comment period, you must revise the EA to address the comments received and identify any changes in the proposed action or mitigation measures. Include any necessary findings, agreements, or determinations [e.g., Section 106, Final Section 4(f)] required for the proposal].

It is important that agencies with jurisdiction over an affected resource comment on the EA and a copy of their comments be included in the revised EA. You should contact agencies several times during the comment period to see if they have any questions. If they indicate that they will not be submitting comments or only have a few minor comments, document this in a phone log or memo to the file.

You may make the revisions in the “body” of the EA (usually shown in bold or italicized text) or attach them to the front of the EA.

The revised EA must include a copy of pertinent comments and departmental responses received. It should also include: (1) a copy of the public hearing transcript, if one was held, and (2) a recommendation of the preferred alternative.

3.5. FONSI

After the EA is revised, the regional coordinator sends it to the preconstruction engineer, who will transmit the revised EA to FHWA and request that FHWA issue a Finding Of No Significant Impact (FONSI).

After FHWA reviews the revised EA and attachments, they will determine if the proposed action has no significant impacts. If so, they will document their determination by attaching a FONSI to the revised EA. The FONSI is a separate statement that clearly sets forth FHWA’s conclusions and identifies the basis for the decision, uses of land from Section 4(f) properties, wetland finding, etc.

The FONSI will document environmental commitments and mitigative measures agreed to by DOT&PF and FHWA, and it will document compliance with NEPA and other applicable environmental laws, executive orders, and related requirements.

If full compliance with these requirements is not possible by the time the FONSI is prepared, the FONSI will demonstrate consultation with state and federal resource agencies (i.e. Corps of Engineers, Environmental Protection Agency, National Marine Fisheries Service, Alaska Department of Fish and Game, Alaska Department of Natural Resources, Alaska Department of Environmental Conservation, State Historic Preservation Office, Division of Governmental Coordination).

3.6. Distribution

After approval by FHWA, the regional environmental coordinator provides a notice in a local newspaper that the FHWA has signed the FONSI, and that the EA/FONSI is available for review at the Regional DOT&PF and FHWA Division offices.

The regional coordinator provides a copy of the EA/FONSI to federal, state, and local government agencies (e.g., EPA, USF&WS, ADF&G, NMFS, SHPO, local Coastal District, and Corps). If the project is located in the coastal zone, the coordinator also provides a copy of the EA/FONSI to DGC and, if applicable, the local Coastal District.

Where an individual permit would be required from the Corps of Engineers (USACE) (i.e., Section 404 or Section 10) or from the Coast Guard (CG) (i.e., Section 9), the coordinator must distribute a copy of the EA to the signatory agencies of the NEPA/404 Merger, and in accordance with the U.S. Department of Transportation (DOT)/Corps of Engineers Memorandum of Agreement or the FHWA/U.S. Coast Guard Memorandum of Understanding, respectively.

3.7. References

1. Federal Highway Administration, Technical Advisory T6640.8A, “Guidance for Preparing and Processing Environmental and Section 4(f) Documents.” October 30, 1987.
2. Council on Environmental Quality, 1978. Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 43 FR 55978-56007 and 40 CFR Parts 1500-1508.
3. Federal Register, Vol 52, No. 167, “Environmental Impact and Related Procedures.” August 28, 1987.
4. Memorandum of Agreement between the Department of Transportation and the Department of the Army, U.S. Corps of Engineers. 1983.
5. Federal-Aid Policy Guide, 23 CFR 771, Subchapter H - Right-of-Way and Environment, Part 771-Environmental Impact and Related Procedures, December 9, 1991, Transmittal 1.

FEDERAL HIGHWAY ADMINISTRATION

FINDING OF NO SIGNIFICANT IMPACT

(Title of Proposed Action)

The FHWA has determined that alternative (identify the alternative selected) will have no significant impact on the human environment. This FONSI is based on the attached revised EA (list other environmental and non-environmental documents as appropriate), which has (have) been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides (They provide) sufficient evidence and analysis for determining that an EIS is not required. FHWA takes full responsibility for the accuracy, scope, and content of the revised EA (list other documents as appropriate).

The following environmental commitments are included in this project:

(List all commitments here.)

Date

for FHWA

Figure 3-1
Finding Of No Significant Impact (FONSI)