

1. Environmental Procedures Overview

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Chapter Abbreviations/ Acronyms

AASHTO – American Association of State Highway and Transportation Officials
ATP - Authority to Proceed
CEQ - Council on Environmental Quality
CE – Categorical Exclusion
CFR - Code of Federal Regulations
COA - Class of Action
DOT&PF – Alaska Department of Transportation & Public Facilities
EA – Environmental Assessment
EO - Executive Order
FHWA - Federal Highway Administration
FTA - Federal Transit Administration
HPCM - Highway Preconstruction Manual
HQ – Headquarters
MAP-21 – Moving Ahead for Progress in the 21st Century Act

Manual - Alaska Environmental Procedures Manual
MOA - Memorandum of Agreement
MOU - Memorandum of Understanding
NEPA - National Environmental Policy Act
PCE - Programmatic Categorical Exclusion
PDA - Project Development Authorization
PIS - Project Information Sheet
PS&E - Plans, Specifications, and Estimate
REM - Regional Environmental Manager
ROW - Right-of-Way
SAFETEA-LU - Safe, Accountable, Flexible, Efficient Transportation Equity Act; a Legacy for Users
SEO – DOT&PF Statewide Environmental Office
USC - United States Code

1.1. Introduction

The *Alaska Environmental Procedures Manual* (FHWA Manual) provides an overview of the environmental procedure process to be followed for projects funded by the Federal Highway Administration (FHWA) that have not been assigned to the State under the 6004 Program. The “Alaska 6004 Program Environmental Procedures Manual” is a separate manual developed by the DOT&PF to describe the procedures for those projects assigned to the State under the 6004 Program.

1.1.1. Purpose

The FHWA Manual provides guidance on preparing compliant, concise, and informative environmental documents.. The manual will help ensure consistency in the formatting, content and processing of DOT&PF environmental studies and documents. The FHWA Manual is a starting point for understanding the environmental documentation processes for federally funded highway and transit projects. Use it in conjunction with the other resources noted later to complete the environmental process and produce compliant documents in a timely and efficient manner. As a participant in the federal highway program, Alaska is obligated to follow National Environmental Policy Act (NEPA) and other applicable federal rules or risk losing federal project funding (non-participation) and legal liability for non-compliance.

1.1.2. Environmental Regulations Background

On January 1, 1970, President Nixon signed into law the National Environmental Policy Act of 1969, establishing a national policy on the environment. Also created under this law was the Council on Environmental Quality (CEQ) within the Office of the President to oversee the implementation of NEPA, including approving environmental procedures of federal agencies. Every federal agency within the Executive Branch is responsible for implementing NEPA and each is required to develop its own regulations implementing NEPA.

To address the NEPA responsibilities established by CEQ, FHWA and the Federal Transit Authority (FTA) issued [23 CFR 771](#), *Environmental Impact and Related Procedures*, to provide direction for applying NEPA to highway and transit projects. FHWA guidance complementing the regulations was issued in the form of a [Technical Advisory \(T.6640.8a\)](#), *Guidance for Preparing and Processing Environmental and Section 4(f) Documents*. The Technical Advisory provides detailed information on the contents and processing of environmental documents. The FHWA and the FTA have also issued regulations to address additional environmental requirements related to the project development process [23 CFR 772, 774, 777]

The processes outlined in the FHWA Manual meet FHWA/FTA [[23 CFR 771](#)] and CEQ [[40 CFR 1500–1508](#)] regulations, as well as other executive orders, relevant federal guidance, and negotiated agreements among DOT&PF and other agencies. FHWA maintains a website which summarizes environmental legislation affecting transportation at http://www.fhwa.dot.gov/environment/env_sum.htm.

For federally funded projects, DOT&PF works with FHWA/FTA to conduct environmental studies and prepare environmental review documents. The environmental work involves an assessment of the project's effect on natural, cultural, recreational, historic, or other resources. There are a wide variety of resource effects that are assessed as part of this process, including effects on floodplains, wetlands, endangered/threatened species, historic and archeological sites, private properties, businesses, communities, minority or low income populations, air quality, and wildlife habitat.

In 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users ([SAFETEA-LU](#)) was signed into law. This federal transportation bill authorized funding for highway and transit projects, as well as established several new environmental streamlining and environmental stewardship initiatives. Section 6002 of SAFETEA-LU (23 USC §139) prescribed changes to existing FHWA and FTA procedures for implementing the NEPA, as amended, and for implementing the regulations of the CEQ. These changes were the result of efforts to make the environmental review process more efficient and timely (particularly on large projects), and to protect environmental and community resources. This manual will provide guidance on how to implement Section 6002 of SAFETEA-LU on applicable projects.

On September 22, 2009, the DOT&PF and the FHWA signed a Memorandum of Understanding, pursuant to SAFETEA-LU Section 6004, codified in 23 U.S.C. 326 (6004 MOU). Through this MOU the FHWA assigned, and the DOT&PF assumed, responsibility for determining whether a proposed federal-aid action is within a category of actions designated as a categorical exclusion (CE) by the USDOT Secretary, as specified in 23 CFR 771.117(a - d), and meets the definition of a CE as provided in 40 CFR 1508.4. Under the MOU, the DOT&PF was also delegated the FHWA's responsibilities for consultation with all federal resource agencies and for compliance with all applicable federal regulations. The MOU was renewed on September 22, 2012, with minor changes and is currently in effect.

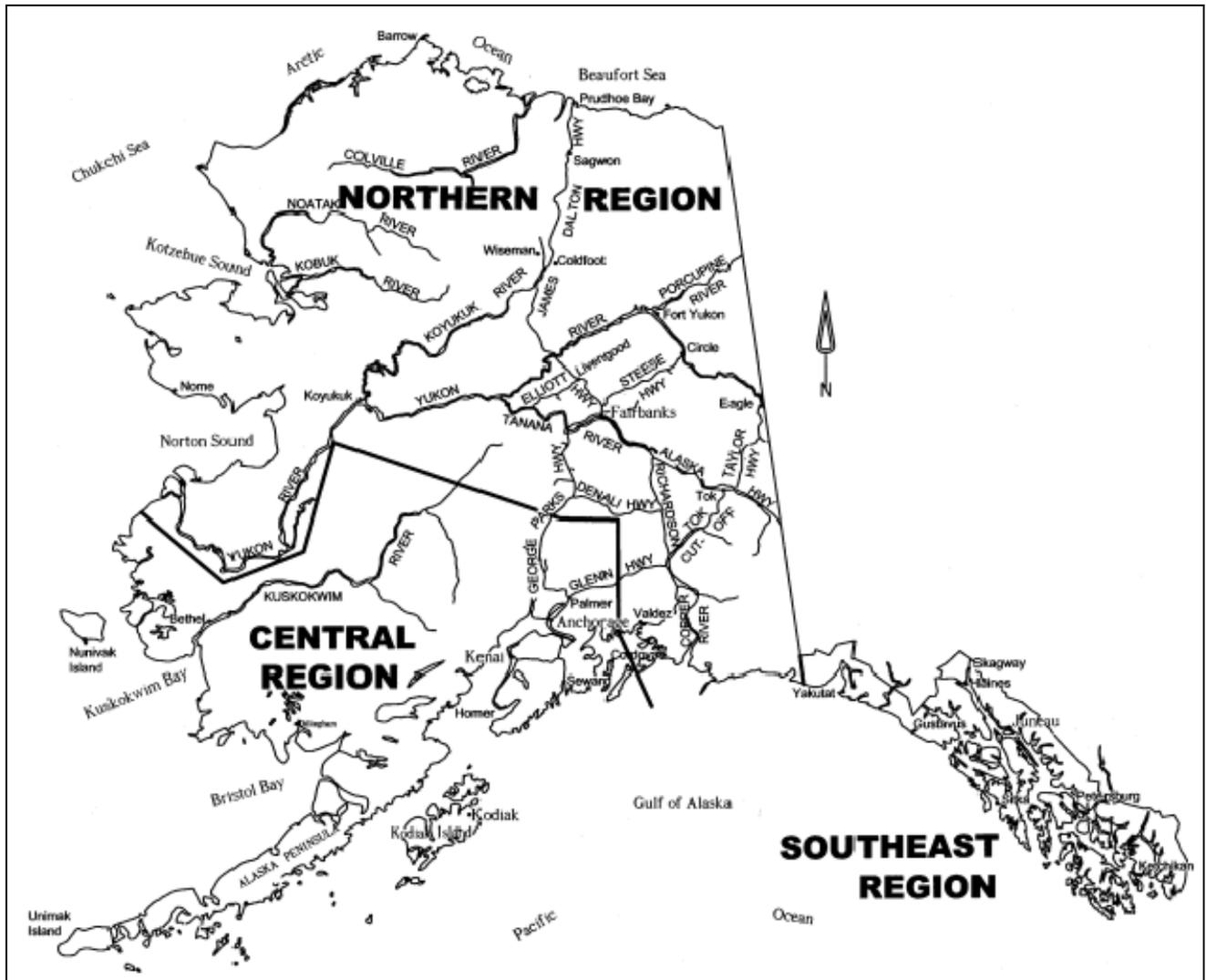
Consult the 6004 Manual for projects assigned under the 6004 program. The FHWA Manual describes the procedures for projects that do not qualify for 6004 assignment.

1.2. Environmental Team – Structure, Roles, and Responsibilities

The DOT&PF environmental team has personnel at the three regions (Central, Northern, and Southeast) and at the statewide level (Figure 1). Regional and statewide environmental personnel work as a team to ensure that the environmental requirements for all projects are successfully met.

Regional and statewide environmental personnel work as a team to ensure projects meet environmental requirements. The overall goals of the environmental team are aligned to ensure that DOT&PF is in compliance with all applicable environmental rules and regulations.

Most regional and statewide environmental personnel work on both 6004 and non-assigned projects and the roles and responsibilities outlined below apply to all projects.



**Figure 1-1
DOT&PF Regions**

1.2.1. Environmental Analysts

In each region and at the statewide level, environmental analysts perform numerous functions in the DOT&PF environmental documentation and permitting process. Job functions of an environmental analyst may range from conducting a field analysis (e.g., wetland delineation) to creating an environmental document (e.g., an Environmental Assessment). The majority of project-specific environmental documentation and permitting work is conducted by environmental analysts in the regional offices. There are regional personnel who specialize in cultural and archaeological resources, as well as statewide staff focused on stormwater permitting and compliance.

1.2.2. Regional Environmental Managers

The regional environmental managers (REMs) have direct oversight of and responsibility for the environmental requirements of projects developed within their regions.

Examples of the REM's responsibilities include:

- Supervising or supporting regional environmental staff

- Supervising preparation of environmental documents (providing edit/review functions)
- Approving Programmatic Categorical Exclusions (PCEs) and other Programmatic Approvals
- Monitoring compliance of environmental commitments and permit stipulations
- Coordinating projects with the public and resource agencies
- Serving as the regional point-of-contact for emergency permits
- Serving as the regional point-of contact for FHWA
- Serving as the regional point-of-contact for state and federal resource agencies
- Serving as the regional point-of-contact for the FHWA on all environmental matters
- Recommending compensatory mitigation

1.2.3. Statewide Environmental Manager

The Statewide Environmental Manager is responsible for managing environmental and regulatory issues at the statewide level and ensuring DOT&PF implements consistent environmental policies and procedures.

Examples of the Statewide Environmental Manager's responsibilities include:

- Providing support and guidance to REMs on environmental and permitting issues
- Providing review and comments on all Environmental Assessments (EAs) and Environmental Impact Statements (EISs)
- Conducting and coordinating environmental and permit training
- Facilitating conflict resolution between the DOT&PF and resource agencies
- Identifying and implementing measures to streamline environmental and permitting processes
- Serving as the point of contact for Army Corps of Engineers concerning Section 404 and Section 10 requirements
- Representing DOT&PF on statewide interagency task forces and working groups
- Directly managing an interdisciplinary team of environmental professionals

1.3. Environmental Process

This section provides a brief overview of the steps involved in project development and how they relate to the environmental process. The *Alaska Highway Preconstruction Manual* (HPCM) provides a more in-depth discussion on project development.

1.3.1. Project Development

For a federally-funded project to be developed, it must have an approved Project Development Authorization (PDA) and Authority to Proceed (ATP).

The PDA process includes developing an initial project funding request initiated by the engineering manager based on input from the planning, design, and environmental sections [[HPCM, section 420.1.1](#)].

The project funding request includes the following information:

- The requested ATP level and funding requirements by phase and year
- A project map showing the limits and approximate total length of the project

- A project management plan (PMP) (The PMP is required for all projects but submitted with the initial funding request only on projects developed under the “One Step ATP Process”)
- A Project Information Sheet (PIS) signed by the engineering manager and the REM.
 - If sufficient information is available to determine a Class of Action (COA), the REM consults with FHWA. This is done through the submittal of a [Class of Action Consultation Form](#) (see Chapter 2). After consultation with the FHWA on the COA the REM will complete and sign page two of the PIS.

Once all of the steps of initial project funding are complete an ATP is granted. The ATP provides FHWA authorization to proceed with the different stages of project development.

The different project ATP authorizations are:

- Planning
- Preliminary Engineering (PE) through Reconnaissance Study
- PE through Environmental Document Approval
- PE through Final Plans, Specification and Estimates (PS&E)
- Right of Way (ROW) Appraisals and Acquisitions
- Utility Relocations
- Construction

Most new projects initially receive ATP for PE through Environmental Document Approval. Some projects can be authorized through Final PS&E using the “One Step ATP Process.” Consult Section 420.1.2 of the *Alaska Highway Preconstruction Manual* for more information.

1.3.2. Preparing Environmental Documents

Environmental document approval is a mandatory step in the delivery of every federally funded project. To comply with NEPA and other federal laws and regulations, environmental documents must accurately describe aspects of the project, such as:

- Project purpose and need
- Project description
- Environmental consequences
- Environmental commitments and mitigation measures
- Public and agency involvement

The American Association of State Highway and Transportation Officials (AASHTO) report [Improving the Quality of Environmental Documents](#) offers three core principles for creating quality NEPA documents:

- Tell the story of the project so that the reader can easily understand what the purpose and need of the project is and describe the strengths and weaknesses of any alternatives, if applicable.
- Keep the document as brief as possible by using clear, concise writing, an easy-to-use format, effective graphics and visual elements, and discussion of issues and impacts in proportion to their relative importance.

- Ensure that the document meets all legal requirements in a way that is easy to follow for regulators and technical reviewers.

It is important to keep these principles in mind while developing environmental documents. Remember that environmental documents are public documents that should be written in a format that is understandable to the non-technical reader.

1.3.3. Environmental Project File

The environmental project file must include the environmental document and all supporting documentation associated with the environmental analysis, such as:

- relevant project related correspondence and emails
- technical information and reports
- field surveys and notes
- public involvement documentation
- other types of supporting information, such as maps, typical sections, permit plans

An organized environmental project file will facilitate efficient project management and will reduce the risk of overlooking any important environmental requirements. Information in the environmental project file may serve as part of the legal record illustrating compliance with federal laws. The information could also be subject to public records laws, such as the Freedom of Information Act (FOIA) and Alaska Public Records Act.

The environmental project file is subject to periodic program reviews by FHWA and statewide personnel. Thus, it is important to keep complete and orderly files. The AASHTO Center for Environmental Excellence published a practitioners handbook titled "[Maintaining a Project File and Preparing an Administrative Record for a NEPA Study](#)" which provides useful information on this subject.

1.4. Additional Resources

This manual should provide a strong basis for understanding the environmental process. There are external resources available which provide more detailed information on all facets of the NEPA process and various types of environmental analyses. Each chapter in the Manual provides a listing of additional resources.

[Statewide Environmental Office \(SEO\) Homepage](#)

SEO website provides links to environmental document resources and various environmental impact category resources.

[FHWA Environmental Review Toolkit](#)

FHWA environmental review and NEPA related information

[Significance of Impacts discussion](#)

FHWA discussion on impacts and significance

[SAFETEA-LU](#)

Act text and summaries

[MAP-21](#)

Act text and summaries

[CEQ on NEPA](#)

CEQ perspective and guidance on NEPA

[FHWA Environmental Legislation](#)

FHWA summary of environmental legislation affecting transportation

[AASHTO Practitioner's Handbooks](#)

A series of informative guides on environmental topics

[Government Printing Office](#)

This website can be used to search for the text of federal regulations

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