



Module 1: Environmental Procedures Overview

- 1 Discuss the general context of the National Environmental Policy Act (NEPA) and the NEPA Assignment Program.
- 2 Identify key Alaska Department of Transportation and Public Facilities (DOT&PF) environmental team roles, responsibilities, and requirements.
- 3 Describe the relationship between highway project development and the environmental review process.
- 4 List key components of environmental documents.
- 5 List the types of environmental project documents and supporting documentation to be included in a project file.



Length of training module: Approximately 25 minutes.



This training presents the requirements for preparing and processing environmental documentation under the NEPA Assignment Program. Links to additional resources on statutes, regulations, best practices, and environmental resource analysis are provided throughout the training modules. Material presented will help you develop environmental documents that are compliant, concise, and informative. Keep in mind that this course is intended to be used in conjunction with the *Alaska Department of Transportation and Public Facilities Environmental Procedures Manual*, which serves as a reference and the source material for the classroom version.

Module one of this training will provide you with an overview of the Federal Highway Administration regulations and DOT&PF's process for adhering to the National Environmental Policy Act or NEPA.

By the end of this module, you should be able to:

- Discuss the general context of NEPA and the NEPA Assignment Program.
- Identify key DOT&PF environmental team roles, responsibilities, and requirements.
- Describe the relationship between highway project development and the environmental review process.
- List key components of environmental documents.
- List the types of environmental project documents and supporting documentation to be included in a project file.

Okay, now let's get started by learning about NEPA's origins.



The National Environmental Policy Act

NEPA's Origins



Photo credit: [Flickr](#)

"The bill we are signing today is the environmental bill. There is one line in here that I am particularly stimulated by, when I said we had to work on the environment because it is now or never."

—President Richard Nixon, January 1, 1970



On January 1, 1970, President Nixon signed into law the National Environmental Policy Act of 1969, which is commonly referred to as NEPA. The act established the national framework for protecting the environment. The Council on Environmental Quality was also established under NEPA. The Council's purpose is to oversee NEPA implementation, develop NEPA implementing regulations, approve environmental procedures of federal agencies, and adjudicate environmental disputes between federal agencies.



NEPA Classes of Action

Categorical Exclusion (CE)

Predefined categories of actions that do not individually or cumulatively result in significant impacts

Environmental Assessment (EA)

Actions where the significance of the impacts is not clear

Environmental Impact Statement (EIS)

Controversial actions and/or significant impacts

Greater impacts = more review



Each federal agency is responsible for developing its own NEPA implementing regulations and performing NEPA analyses for planned projects and activities. The Federal Highway Administration's NEPA implementing regulations are found in Title 23 of the Code of Federal Regulations Part 771.

The level of environmental review required to satisfy NEPA varies by project based on the expected level of impact on the human and natural environment. In module 2 we will discuss the Federal Highway Administration's NEPA regulations and classes of action in greater detail.

In some cases, responsibility for NEPA implementation is transferred from a federal agency to a state agency.



DOT&PF Benefiting Alaskans

As part of the Federal Highway Administration (FHWA) Surface Transportation Project Delivery Program, Title of the 23 U.S. Code (USC) §327 (NEPA Assignment Program), the Alaska DOT&PF has assumed FHWA responsibilities for complying with NEPA obligations when developing federally funded highway projects in Alaska that DOT&PF designs and constructs.



Photo credit: [Alaska Journal of Commerce](#)



Under the authority of Title 23 US Code of Laws section 327, DOT&PF and the Federal Highway Administration—or FHWA— signed a Memorandum of Understanding through which FHWA assigned its full NEPA project-level decision-making responsibilities to the DOT&PF. This transferred significant responsibility from the federal government to the state of Alaska for implementing the NEPA review process. While Alaska DOT&PF was previously only responsible for determining whether a project could be categorically excluded from a detailed environmental review under NEPA, the Department now has ultimate decision-making authority over all classes of action, including those involving an Environmental Assessment or Environmental Impact Statement.

Alaska Department of Transportation Commissioner Marc Luiken predicted that the agreement will increase efficiency, accelerate project timelines, and help ensure that state funding is used so as to maximize benefits for Alaskans.

This new responsibility required DOT&PF to assign NEPA roles and responsibilities to staff members and to formalize a process for conducting environmental reviews to satisfy NEPA.



DOT&PF Responsibilities



- ✓ Federal laws and regulations
- ✓ Presidential Executive Orders
- ✓ USDOT Orders
- ✓ FHWA Orders
- ✓ Official guidance and policy issued by USDOT, FHWA, or the Council on Environmental Quality
- ✓ Applicable federal court decisions
- ✓ Interagency agreements that relate to the environmental review process



In assuming FHWA's NEPA responsibilities, DOT&PF is subject to the same procedural and substantive requirements that apply to FHWA in carrying out these responsibilities. These requirements include:

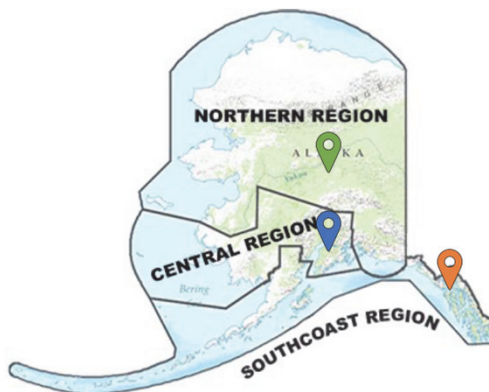
- Federal laws and regulations
- Presidential Executive Orders
- U.S. Department of Transportation (USDOT) Orders
- FHWA Orders
- Official guidance and policy issued by USDOT, FHWA, or the Council on Environmental Quality
- Applicable federal court decisions, and
- Interagency agreements that relate to the environmental review process, for example programmatic agreements, memoranda of understanding, or memoranda of agreement

For the purposes of carrying out its NEPA Assignment Program responsibilities, DOT&PF is deemed to be a federal agency with respect to the environmental review, consultation, and other related actions per section 5.3.1 of the memorandum of understanding.



The DOT&PF Environmental Team

-  **Northern Region**
2301 Peger Road
Fairbanks, AK 99709
-  **Central Region**
4111 Aviation Avenue
Anchorage, AK 99519
-  **Southcoast Region**
6860 Glacier Highway
Juneau, AK 99801



Regional and Statewide Environmental Office personnel work as a team to ensure that the environmental requirements for all projects are met. DOT&PF environmental personnel are stationed in each regional office and at the state office.



DOT&PF Team Members



Statewide
Environmental
Program Manager

NEPA Program
Manager

Regional
Environmental
Manager

Environmental
Impact Analysts



Team members that are responsible for the implementation of the NEPA Assignment Program for the Alaska DOT&PF include:

- Statewide Environmental Program Manager
- NEPA Program Managers
- Regional Environmental Managers, and
- Environmental Impact Analysts



Statewide Environmental Program Manager

Responsibilities of the **Statewide Environmental Program Manager**:

- Oversees the NEPA Assignment Program
- Provides support and guidance on environmental and permitting issues
- Advises on class of action determination recommendations
- Approves EAs, EISs, decision documents, and re-evaluation documents
- Approves Section 4(f) individual evaluations
- Conducts and coordinates training
- Facilitates conflict resolution between DOT&PF and regulatory agencies
- Streamlines environmental and permitting processes
- Represents DOT&PF on statewide interagency task forces and working groups
- Directly manages an interdisciplinary team of environmental professionals



The Statewide Environmental Program Manager is responsible for managing environmental and regulatory issues at the state-level and ensuring that DOT&PF implements environmental policies and procedures accurately and consistently. The Statewide Environmental Program Manager's responsibilities include providing oversight of the NEPA Assignment Program, providing support to the Regional Environmental Managers, approving class of action determinations and supporting program documents, conducting trainings, streamlining the environmental permitting process, and managing an interdisciplinary team of environmental professionals.



NEPA Program Managers

Responsibilities of the **NEPA Program Manager**:

- Serves as SEO's point-of-contact for each region regarding environmental document processing
- Concurs with class of action determination recommendations
- Approves environmental documents for projects that qualify for Categorical Exclusion, except those that fall under a programmatic Categorical Exclusion.
- Executes signature authority, where delegated, for EAs and Findings of No Significant Impact (FONSIs)
- Determines Section 4(f) applicability and approves Section 4(f) De Minimis Impact Findings and Programmatic Evaluations



NEPA Program Managers provide quality control and oversight for NEPA Assignment projects, and provide quality assurance and quality control for the NEPA Assignment Program. Their responsibilities include serving as the point of contact for each region's environmental document processing, concurring with class of action determinations, and approving Categorical Exclusion projects, except those that fall under a Programmatic Categorical Exclusion or PCE.



Title: Regional Environmental Managers

NEPA-related responsibilities of the **Regional Environmental Manager**:

- Represents DOT&PF in meetings and negotiations with FHWA, federal agencies, state agencies, and in public forums
- Supervises preparation of environmental documents
- Approves Programmatic CEs (PCEs) and re-evaluations
- Leads QA-QC review of environmental documents
- Monitors compliance with environmental permits
- Coordinates projects
- Serves as the regional point-of-contact



Each Regional Environmental Manager—or “REM”—has direct oversight and is accountable for meeting the environmental requirements of projects developed within their region of authority. Their responsibilities are wide-ranging and include representing DOT&PF in interactions with other state and federal agencies and coordinating project reviews. The REM has approval authority for Programmatic Categorical Exclusions and re-evaluations.



Environmental Impact Analysts

Responsibilities of the *Environmental Impact Analyst*:

- Conducts field analyses
- Prepares environmental documents
- Acquires permits
- Performs day-to-day project support



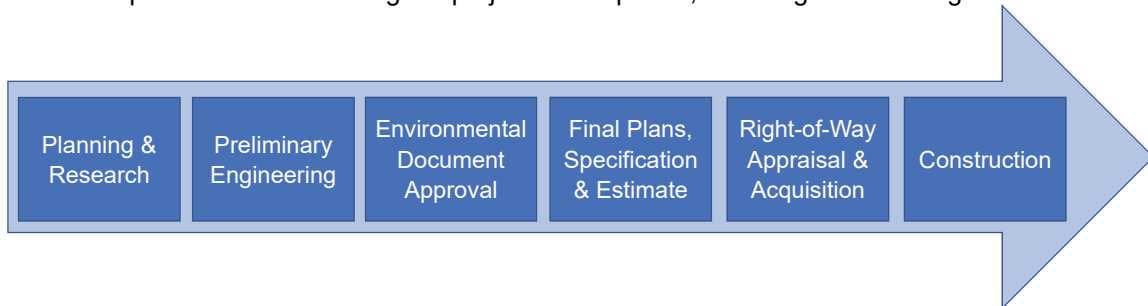
In each region and at the state level, Environmental Impact Analysts perform numerous functions ranging from conducting field analyses to preparing environmental documents. Most of the project-specific environmental documentation and permitting work is conducted by Environmental Impact Analysts in the regional offices.

Now that we've reviewed the principle DOT&PF environmental team members, let's take a closer look at project development and the environmental process.



Project Development and the Environmental Process

For a federal-aid project to be developed, it must have an approved **Project Development Authorization (PDA)** and **Authority to Proceed (ATP)**, which provides authorization from FHWA to proceed with each stage of project development, including the following:



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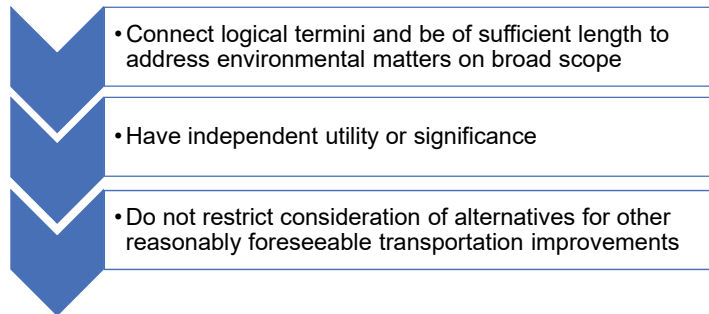
- Planning and Research
- Preliminary Engineering (PE) through Reconnaissance Engineering
- Environmental Document Approval
- Final Plans, Specification and Estimate (PS&E)
- Right-of-Way Appraisal and Acquisition, and
- Construction

Project Development Authorization and Authority to Proceed are only granted after the project funding request has been approved by the Federal Highway Administration.



FHWA Project Requirements

FHWA requires that all proposed projects meet the following criteria:



FHWA's
Environmental
Review Toolkit
provides
discussion on
the development
of [logical termini](#).



The Federal Highway Administration's NEPA regulations require that all proposed projects:

- Connect logical termini and be of sufficient length to address environmental matters on a broad scope
- Have independent utility or significance, meaning that they are usable and a reasonable expenditure even if no additional transportation improvements in the area are made, and
- Do not restrict consideration of alternatives for other reasonably foreseeable transportation improvements



To view the FHWA's Environmental Review Toolkit online, visit:

<https://www.environment.fhwa.dot.gov/projdev/tdmtermini.asp>



Preparing Environmental Documents

For projects that do not qualify for CE, or an EA, an EIS must be prepared. Environmental documents must include descriptions of the following aspects:

- Project purpose and need
- Project description
- Affected environment
- Environmental consequences
- Environmental commitments and mitigation measures
- Permits and authorizations
- Public and agency involvement



Once Authority to Proceed to Preliminary Design and Environmental phases has been granted from the Federal Highway Administration, environmental documents must be prepared for all projects. Developing environmental documents and gaining the necessary approvals are mandatory steps for every federally funded project. To comply with NEPA and other federal laws and regulations, environmental documents must accurately describe key aspects of the project, including:

- Project purpose and need
- Project description
- Affected environment
- Environmental consequences
- Environmental commitments and mitigation measures
- Permits and authorizations, and
- Public and agency involvement

The procedures for developing a CE, an EA, and EIS will be discussed in more detail in separate modules.



Developing an Environmental Project File

Environmental Project File

- ✓ Checklists and forms
- ✓ Project-related correspondence and emails
- ✓ Technical information and reports
- ✓ Field surveys and notes
- ✓ Maps, permits, and plans



The Environmental Impact Analyst starts compiling an environmental project file as soon as the class of action is determined for each new project. The project file should be maintained throughout the environmental process, including any re-evaluations and permits. An organized environmental project file supports efficient project management and documents the project's compliance with NEPA and other federal requirements. The documentation it contains may form part of an administrative record, if required. Information included in the environmental project file is subject to production under the Alaska Public Records Act, and to audits by the Federal Highway Administration and the Statewide Environmental Office.

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

- Checklists and forms, including NEPA approval forms
- Relevant project-related correspondence and emails
- Final technical information and reports
- Field surveys and notes, and
- Other types of supporting information, such as maps, permits, and plans



Module Review

Module 1: What You've Learned...



- The context of NEPA and the NEPA Assignment Program
- Key DOT&PF environmental team roles, responsibilities, and requirements
- The relationship between highway project development and the environmental review process
- Key components of environmental documents
- The types of environmental project documents to be included in a project file



This concludes our introduction to Alaska's DOT&PF's NEPA Assignment Program. Module 2 will cover the three NEPA classes of action and the process for determining a project's class of action.

We'll now take the module quiz to complete the requirements for this training course.