



Module 2: Class of Action Determination

- 1 Define the three classes of action (COAs) according to the Federal Highway Administration's (FHWA's) NEPA regulations
- 2 Evaluate the "significance" of project-related impacts, considering both *context* and *intensity*
- 3 Outline the process for determining a project's COA
- 4 Restate COA documentation requirements



Length of training module: Approximately 20 minutes.



Module 2 of this training looks at how the Federal Highway Administration's NEPA regulations define the three classes of action, or COAs, as well as DOT&PF's process for making COA determinations. Keep in mind that the information presented here 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 this training.

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

- Define the three COAs according to the Federal Highway Administration's NEPA regulations.
- Evaluate the "significance" of project-related impacts, while considering both *context* and *intensity*.
- Outline the process for determining a project's COA.
- Restate COA documentation requirements.

Okay, let's get started.



Starting a Project



The class of action establishes the level of documentation required for NEPA compliance, which influences the project budget and schedule with NEPA

How do you determine the class of action?



Every project that uses Federal Highway Administration funding or requires federal approval must comply with NEPA. NEPA implementation begins with the responsible agency making a Class of Action determination. The class of action selected establishes the level of documentation required for NEPA compliance, which influences the overall project budget and schedule.

So you might be thinking: how do you determine the class of action? Without looking ahead, take a moment to consider your response. Once you've had a moment to consider, we will discuss what the class of action determination is based upon and how closely it matches your answer.

[Allow pause for participants to think of an answer. Consider asking participants to volunteer their answers.]

Answer:

The class of action determination is based upon ***the scope of the proposed action*** and ***a preliminary assessment of the expected impacts associated with the proposed activities***.



Knowing the Landscape: Key Terms

Proposed actions should connect logical termini and have independent utility.

Logical Termini

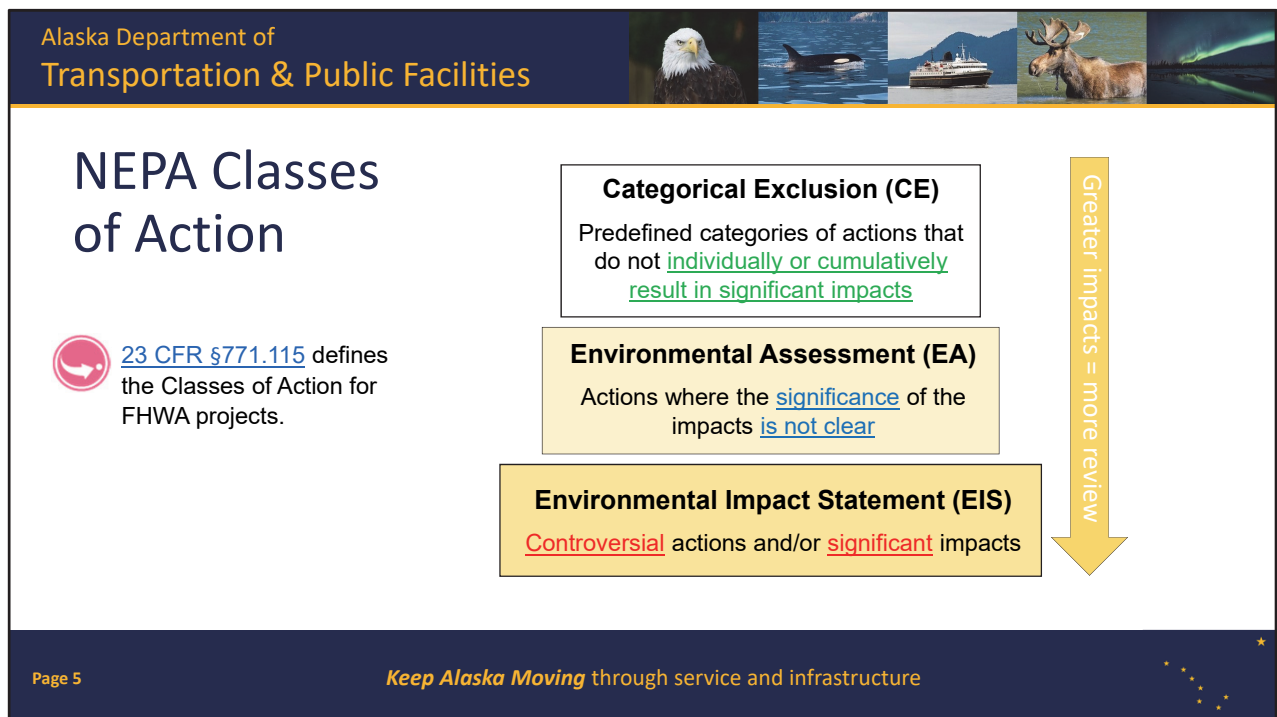
Rational end points for a project that sufficiently address a broad scope of environmental matters.

Independent Utility

A usable and reasonable expenditure even if no additional transportation improvements in the area are made, and does not limit the consideration of other alternatives for other reasonably foreseeable transportation improvements.



To ensure proposed actions are fully evaluated, DOT&PF staff must ensure that the project connects logical termini and has independent utility. Additionally, staff must ensure that the project does not limit the consideration of other alternatives for other reasonably foreseeable transportation improvements. Before continuing, let's review each of these key terms. The definitions on the slide explain how each relates to NEPA.



If you recall, the term “class of action” was introduced in Module 1 of this training along with this graphic. Take a moment to study the graphic before continuing. It shows how 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. NEPA defines three environmental classes of action: Categorical Exclusions, Environmental Assessments and Environmental Impact Statements.

Let's review each of these classes.

- **Categorical Exclusions** are predefined categories of actions that do not individually or cumulatively result in significant impacts. This includes unusual circumstances or substantial public controversy.
- **Environmental Assessments** are used to analyze actions where the significance of the impacts is not clearly established. The Environmental Assessment determines whether the impacts are potentially significant and warrant preparation of an Environmental Impact Statement or EIS.
- **Environmental Impact Statements** are used to analyze situations where actions are expected to be highly controversial and/or impacts to be significant. The regulations in Title 23 of the Code of Federal Regulations Section 771.115 lists examples of projects that normally require an EIS.



For more information on the definitions of Classes of Action, see 23 CFR §771.115 online: https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=0e65c8f89ae41fd6ccad33a1b259201a&mc=true&n=pt23.1.771&r=PART&ty=HTML#se23.1.771_1115.



Significant Impacts

Significant Impacts consider both context and intensity supported by good rationale that is well documented.

Context

The significance of an action in its geographic, biophysical, and social context. Each action must be analyzed to anticipate the short- and long-term impacts on society, the affected region, the affected interests, and the locality.

Intensity

The severity of impact in whatever context it occurs. Impacts can be direct, indirect, and cumulative. Keep in mind that impacts may be both beneficial and adverse.



The graphic on the previous slide mentioned significant impacts. Significant impacts consider context and intensity. Both are used to classify the impacts associated with a project and therefore the appropriate class of action. It's important to understand these terms. For example, a low intensity impact can still be significant depending on the context. Be sure to study the definition of each term as it relates to NEPA.



Unusual Circumstances

Unusual circumstances include:

- Significant environmental impacts;
- Substantial controversy on environmental grounds;
- Significant impacts on protected sites identified by [23 CFR §774.3](#) or [36 CFR §800](#); or
- Inconsistencies with any federal, state, or local law, requirement, or administrative determination relating to the environmental aspects of the action.



A special note about unusual circumstances. Unusual Circumstances can occur and are considered during the COA determination for **all** projects.

If a project that typically would be classified as a categorical exclusion involves unusual circumstances, additional analysis will be required to determine if the CE classification is appropriate or whether the unusual circumstance will necessitate preparation of an EA or EIS.



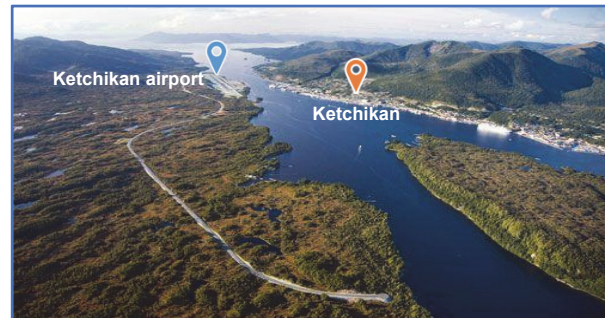
To view the links listed on the slide visit:

- <https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=6f9fc7f0f6a10bd453ddd0245586d278&rgn=div8&view=text&node=23:1.0.1.8.46.0.1.2&idno=23> (23 CFR §774.3)
- https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title36/36cfr800_main_02.tpl (36 CFR §800)



Class I Actions: Environmental Impact Statements

Class I Actions are actions expected to cause significant environmental impacts and require the preparation of Environmental Impact Statements (EIS).



Aerial view of the Inside Passage, subject of the Gravina Access project, located in Southcoast Region. Photo credit: Anchorage Daily News.



Actions that significantly affect the environment require an Environmental Impact Statement, or EIS, which falls under Class I.

Class I Actions could include the construction of a new controlled-access freeway; a highway project of four or more lanes on a new location; the construction or extension of a fixed transit facility—such as rapid rail, light rail, commuter rail, bus or other rapid transit—that will not be located within an existing transportation right-of-way. These examples are listed in Title 23 of the Code of Federal Regulations Section 771.115.

This image shows an aerial view of the Tongass Narrows, part of the Inside Passage, with the city of Ketchikan and the Ketchikan airport in the distance. The Gravina Access project was intended to build a bridge from Ketchikan to the Gravina island where the Ketchikan airport is located. However, after the environmental review, the alternative option chosen included a continued ferry access and upland facility improvements rather than building the bridge. Not entirely necessary, but it might be useful if arrows could pop up and point out the airport and Ketchikan in the photo – Ketchikan is easy to spot, but not sure someone not familiar with the area would easily/quickly spot the airport in the time the slid is up. Would help provide context.



Class II Actions: Categorical Exclusions

Class II Actions are actions that will not cause significant environmental impacts and are categorically excluded from the requirement of Environmental Impact Statement (EIS) and Environmental Assessment (EA).



“C” list = [Title 23 CFR Part 771 §117\(c\)](#)

“D” list = [Title 23 CFR Part 771 §117\(d\)](#)



Chip seal crew chip sealing at border with Canada on the Haines Highway. Photo by Ivar Enge, Alaska DOT&PF Southcoast Region.



The next category includes Class II actions: Actions that do not individually or cumulatively have a significant environmental effect and therefore may be excluded from the requirement to prepare an Environmental Impact Statement or Environmental Assessment.

Class II Actions are usually found on two specific lists commonly referred to as the “c” list and the “d” list, which pertains to where they are found in Title 23 of the Code of Federal Regulations Part 771 sections 117 c and d.

These include actions that do not involve or lead directly to construction, such as

- planning and research activities; or
 - grants for training;
- but can also include:
- landscaping;
 - installing signs, pavement markings, traffic signals, and railroad warning devices;
 - construction of bicycle and pedestrian lanes;
 - construction of new truck weigh stations or rest areas; and
 - rehabilitation of highways, bridges, or ferry facilities.

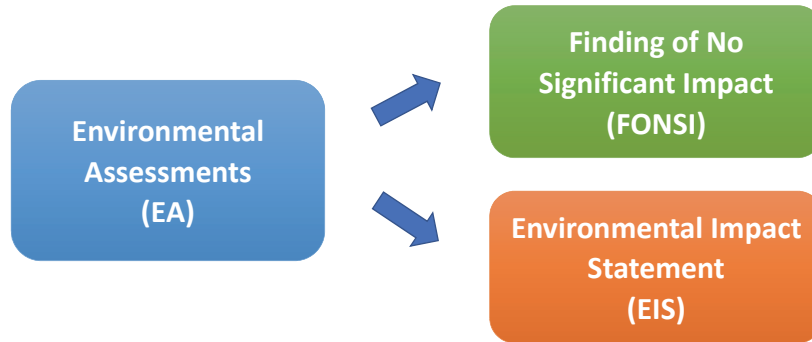
As you can see in the image on this slide, Chip seal is being applied to the Haines highway. Chip sealing is used to prolong the life of a roadway surface in between pavings. All work is limited to the existing road surface. In general, no significant impacts result from the project activities other than temporary construction impacts to air and water quality, noise, and traffic movement. For this reason, chip sealing is an example of a project that can be classified as a CE.



To view the “C” and “D” lists online, visit: <https://www.ecfr.gov/cgi-bin/text-idx?rgn=div8&node=23:1.0.1.8.43.0.1.9>



Class III Actions: Environmental Assessments



Class Three Actions: Environment Assessments. An Environmental Assessment, or EA, is prepared for projects when the significance of the potential environmental impacts is uncertain. An EA is a concise document that provides the evidence and analysis necessary to determine whether a Finding of No Significant Impact—referred to as a FONSI—is applicable to the project scope, or whether an Environmental Impact Statement is required.



Environmental Assessment Example



Aleknagik Wood River Bridge Construction, Phase I.
Photo by Winnie Cichosz, Alaska DOT&PF



An example of an action that required an Environmental Assessment was a recent project located in the Central Region. The project consisted of the construction of a bridge across the Wood River and construction of access roads to the bridge on the north and south shores of the river. Potential impacts included residential relocations, wetland fill, fish habitat, visual, and secondary and cumulative impacts, both beneficial such as enhanced community cohesion and economic opportunities, and adverse such as increased traffic and development, and increased competition for subsistence resources.



The COA Determination Process

- ✓ Review project scope to assess environmental impacts to make an initial COA determination.
- ✓ Assess the potential for significant impacts and whether unusual circumstances exist.
- ✓ Perform necessary research to support the COA determination.
- ✓ Consider holding a public meeting to assess the potential level of public controversy in support of the COA determination.
- ✓ The Regional Environmental Manager (REM) identifies and recommends the likely COA to the NEPA Program Manager by submitting a COA Consultation Form.
- ✓ NEPA Program Manager will review the COA Consultation Form and determine whether they concur with the recommended project classification.



The COA determination process begins when the Analyst initiates a technical review of the project scope. This assesses the possible environmental impacts associated with the project to determine if any are significant in the terms of context or intensity and if any unusual circumstances exist. This may require research to adequately support the COA determination, including early scoping and reviewing resource agency data to determine the presence of sensitive or protected resources such as wetlands, threatened and endangered species, historic properties, and Section 4(f) properties. In some cases, holding a public meeting may be necessary as part of the scoping process to determine whether the action is controversial.

After the research is completed, the REM recommends the COA and submits a COA consultation form to the NEPA Program Manager.

Once the review of the COA Consultation form is completed, the NEPA Program Manager will either sign the COA Consultation Form and return a copy to the REM via email for placement in the region's project file-or will return an unsigned COA Consultation Form with a written explanation for the non-concurrence. The NEPA Program Manager will work with the REM to resolve concerns regarding the COA before the REM submits a new COA Consultation Form.



COA Consultation Form

A COA Consultation Form includes:

- Project Name
- Federal and State Project Numbers
- Primary/Ancillary Project Connections
- List of attachments including maps or figures relevant to the COA determination process
- Project Scope
- Project Description
- Brief discussion of probable impacts of the action
- Funding source(s)

For CE actions, the form also documents:

- CE action category ("[c](#)" or "[d](#)" [list actions](#))
- Project funding documentation for projects classified under "[c](#)" list
- For actions classified under c(26), c(27), and c(28), information verifying that the conditions listed in [23 CFR §771.117\(e\)](#) are met



Remember that a COA Consultation Form is completed for **every** project using FHWA funding or requiring FHWA approval. The COA Consultation Form documents the REM's recommendation and the NEPA Program Manager's approval.



Visit the resources listed on the slide:

- "C" or "D" list actions: https://www.ecfr.gov/cgi-bin/text-idx?SID=46f82a68a7514b1ac85a54ba0d24a9dd&mc=true&node=pt23.1.771&rgn=div5#se23.1.771_1117
- 23 CFR §771.117(e): <https://www.ecfr.gov/cgi-bin/text-idx?rgn=div8&node=23:1.0.1.8.43.0.1.9>



Module Review



Module 2: What You've Learned...

- The three COAs according to the FHWA's NEPA regulations
- The "significance" of impacts considering both *context* and *intensity*
- The process for determining a project's COA
- COA documentation requirements



This concludes Module 2, which introduced Class of Action determinations. Module 3 will provide a deeper look at Categorical Exclusions.

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