



Module 5: Environmental Impact Statement

- 1 Define the terms *Environmental Impact Statement* (EIS) and *Notice of Intent* (NOI)
- 2 List the key components of an EIS
- 3 Outline the procedures for preparing an EIS, including public involvement and agency coordination
- 4 Define the term *Record of Decision* (ROD)
- 5 Recall the circumstances that would necessitate preparation of a supplemental EIS
- 6 Describe the quality control (QC) review and approval processes for an EIS and a ROD



Length of training module: Approximately 25 minutes.



The topic of an Environmental Impact Statement, or EIS, is part of a course covering the requirements for preparing and processing environmental documentation under the NEPA Assignment Program. 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.

This module will provide you with an overview of the DOT&PF's process for developing EISs.

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

- Define the terms *EIS* and *Notice of Intent*, or NOI
- List the key components of an EIS
- Outline the procedures for preparing an EIS, including public involvement and agency coordination
- Define the term *Record of Decision*, or ROD
- Recall the circumstances that would necessitate preparation of a supplemental EIS, and
- Describe the quality control review and approval processes for an EIS and a ROD

Okay, now let's get started on the next slide by defining what an EIS is.



The Five W's of an EIS

-  **What:** An EIS is a document that evaluates project alternatives and their potential environmental impacts to inform DOT&PF's decision on which alternative to implement.
-  **Who:** Lead agency (DOT & PF), participating agencies, cooperating agencies
-  **Why:** An EIS is prepared if an action is likely to cause significant impacts.
-  **When:** After an NOI to prepare an EIS is published in the Federal Register.
-  **Where:** [FHWA Technical Advisory 6640.8A](#)
[AASHTO's Practitioner's Handbook 15](#)
[FHWA Environmental Review Kit](#)
[23 U.S. Code \(USC\) 139](#)



First we start off by going through the 5 W's of an EIS: 'What', 'Who', 'Why', 'When', and 'Where'.

So, what is an EIS? An EIS is a document that evaluates project alternatives and their potential environmental impacts to inform DOT&PF's decision on which alternative to implement.

Who plays a part in this process? The three main roles are:

- The lead agency, which is DOT&PF – although other federal, state, or local government entities may act as joint lead agencies;
- The participating agencies, which are any federal or non-federal agencies that may have an interest in the project; and
- The cooperating agencies, which are any federal agencies with jurisdiction by law or special expertise with respect to any environmental issues that should be addressed in the EIS.

Why is an EIS prepared? An EIS is prepared if an action is likely to cause significant impacts, which may be determined through the preparation of an Environmental Assessment, or EA. This topic is discussed in Module 4.

When is an EIS prepared? Development of an EIS can only begin after an NOI is published in the Federal Register.

Where can you look for more information? There are four resources where you can find guidance on how to prepare an EIS.



- For information about FHWA Technical Advisory 6640.8A, visit:
https://www.environment.fhwa.dot.gov/legislation/nepa/guidance_preparing_env_documents.aspx
- For information about AASHTO's Practitioner's Handbook 15, visit:

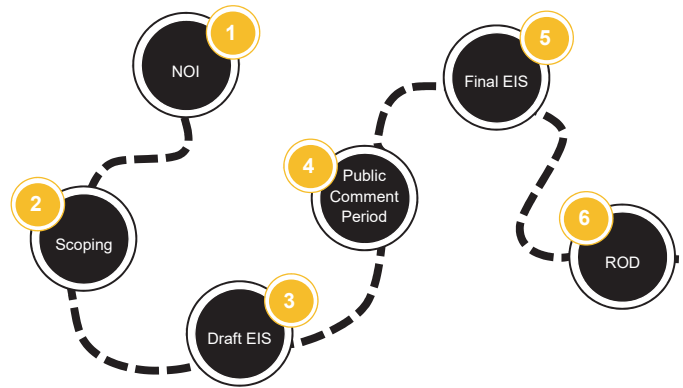
<http://www.environment.transportation.org/pdf/programs/pg15-1.pdf>.

- For information about FHWA Environmental Review Kit, visit:
https://www.environment.fhwa.dot.gov/nepa/classes_of_action.aspx.
- For information about 23 U.S. Code (USC) 139, visit:
[http://uscode.house.gov/view.xhtml?req=\(title:23%20section:139%20edition:prelim\)](http://uscode.house.gov/view.xhtml?req=(title:23%20section:139%20edition:prelim)).

On the next slide we will discuss *how* the process for an EIS works.



The EIS Process



There are six main steps in the EIS process. First, an NOI must be published in the Federal Register to notify the public that DOT&PF is planning to prepare an EIS. Then DOT&PF may begin the scoping process to solicit input from the public, agencies, and other stakeholders on the project's purpose and need, range of alternatives and impacts, and the significant issues to be addressed in the EIS. The third step is to develop the Draft EIS based on the scope laid out in the previous step. After the Draft EIS is prepared, the next step is for DOT&PF to provide the public an opportunity to comment on the Draft EIS. Once the comment period is over, DOT&PF takes into consideration any comments received, and prepares the Final EIS. Under certain circumstances, which will be discussed in later slides, a ROD may be combined with a Final EIS into one document. However, if this is not the case, then lastly DOT&PF prepares a ROD which presents the selected alternative and the basis for its selection.

Now let's dive into further detail on the first stage of the EIS process: the NOI.



Notice of Intent (NOI)

- ❗ The NOI must receive legal sufficiency determination prior to submittal to FHWA for publication.

NOTICE OF INTENT

Must contain:

- ✓ Proposed action
- ✓ Alternatives
- ✓ Scoping process
- ✓ Contact person at DOT&PF

To serve as the 23 USC 139 initiation of environmental review, it must also include:

- ✓ Type of work
- ✓ Proposed project's termini
- ✓ Project length
- ✓ General location
- ✓ Other anticipated federal approvals required



An NOI is the official notification that a federal agency is beginning the process to prepare an EIS. DOT&PF develops an NOI for publication in the Federal Register after it has consulted with any other project sponsor, initiated the 23 USC 139 environmental review process, and reached its decision to prepare an EIS.

The NOI is required to contain:

- A description of the proposed action and possible alternatives, including the no-build alternative;
- Information regarding the scoping process, including whether, when and where any scoping meeting will be held; and
- The name and address of a contact person at DOT&PF who can answer questions about the proposed project and the EIS. This will usually be a region contact.

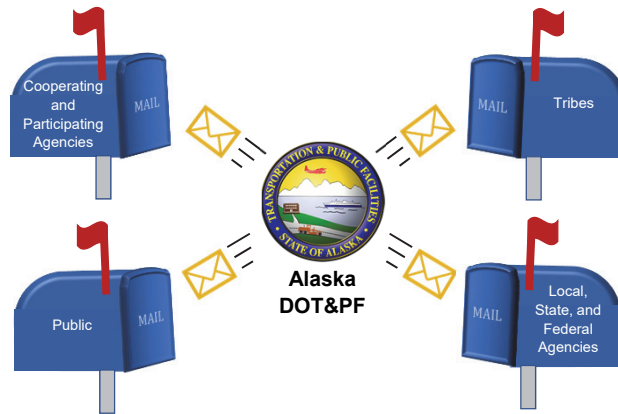
If DOT&PF wishes to have the NOI serve also as the 23 USC 139 initiation of environmental review, then the NOI needs to include additional information on:

- The type of work;
- The proposed project's termini;
- The project length;
- The general location; and
- Other anticipated federal approvals required.

Every NOI is required to receive a legal sufficiency determination prior to publication. Following REM and SEO review, the SEO submits the draft NOI to the Alaska Department of Law for a legal sufficiency determination. Once the legal review is complete, SEO must submit the NOI to FHWA for publication because only federal agencies have the authority to publish notices in the Federal Register.



Scoping Process



Scoping begins after the NOI is published in the Federal Register. Scoping is the process by which the lead agency, in this case DOT&PF, solicits input from agencies, other stakeholders, and the public regarding the scope of the issues to be addressed in the EIS. The goal is to identify the project purpose and need, the range of alternatives and impacts, and the significant issues to be addressed in the EIS. The DOT&PF must develop a project-specific coordination plan to guide how agencies and the public will be engaged in the environmental review process.

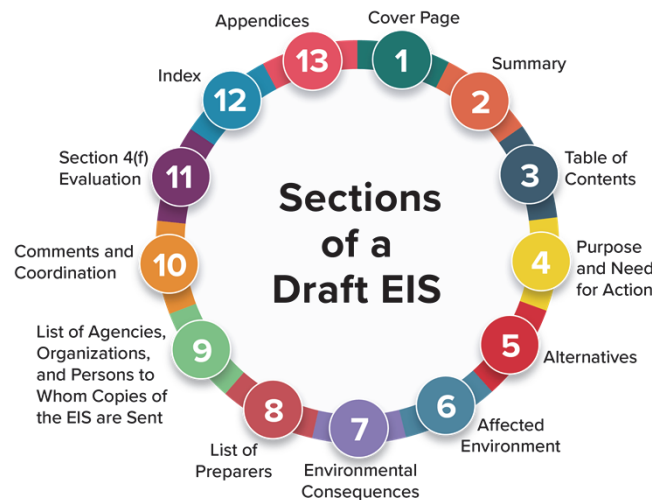
During scoping, two exchanges occur. First, DOT&PF sends out notices to participating agency and cooperating agencies to invite them to participate in the EIS process. DOT&PF must also invite affected federal, state, and local agencies, affected tribes, the project proponent, and other interested parties, to participate in the EIS process at this time.

The second part of the exchange occurs when the agencies, stakeholders, and public provide input to DOT&PF on the development of the EIS. One excellent tool for receiving input and for sharing information with agencies and the public is a public meeting. Public meetings are often held as part of the scoping process; however, they are not a required component.

Once the scoping process is complete, then it is time to start drafting the EIS.



Draft EIS



According to FHWA regulations, a Draft EIS must include the following sections, which are displayed on the slide.

First, every Draft EIS needs a Cover Page, which should contain information such as the name of the lead agency and any participating and cooperating agency, the title of the proposed action and its location, and a paragraph abstract of the EIS. The NEPA Assignment MOU disclosure statement must also be on the cover page in a location that is conspicuous to the reader.

Next, a Summary section should follow. This section summarizes the EIS, including any significant findings, areas of controversy, and issues to be resolved.

Then, to help make the document easier to navigate, a Table of Contents needs to be placed in the beginning of the document.

The first major element of the Draft EIS is the Purpose of and Need for Action. This section explains the DOT&PF's rationale for pursuing the proposed action and what the DOT&PF hopes to accomplish by doing so.

Another major component of the Draft EIS is the Alternatives section, which describes the reasonable alternatives that are being evaluated to meet the purpose of and need for the proposed action. The Draft EIS should identify the DOT&PF's preferred alternative in this section, if one exists; if one does not exist, then the Draft EIS should explain that a preferred alternative will be identified later in the Final EIS. The DOT&PF must collaborate with participating agencies on the appropriate methodologies to be used and the level of detail for the analysis of project alternatives.

Next, a Draft EIS is required to have an Affected Environment section. This section provides context for the evaluation of impacts of the alternatives. It identifies the existing environmental resources in the area and the existing condition of the environment.

Following the Affected Environment section, the Draft EIS must have an Environmental Consequences section. This section describes the potential impacts of the alternatives and documents the methodologies used in evaluating these impacts. The direct and indirect environmental impacts of each alternative and the potential measures that could be taken to avoid, minimize, or mitigate these impacts must be described. Cumulative impacts that would result from the action must also be discussed in this section. In evaluating impacts, the DOT&PF and participating agencies must work cooperatively to identify and resolve issues that could delay the completion of the environmental review process or result in the denial of any approvals required for the project under applicable laws.

Towards the end of the document, a section for the List of Preparers must be included. This section lists the names and qualifications of the people who contributed to the preparation of the EIS.

A List of Agencies, Organizations, and Persons to Whom Copies of the EIS are Sent must also be included.

In the Comments and Coordination section, the DOT&PF is required to summarize the scoping process and the results of any meetings, consultations, and comments received during coordination efforts.

If applicable, a Section 4(f) Evaluation should be attached to the Draft EIS.

In addition, an Index needs to be included to assist readers in finding topics of interest.

At the end of the document, it may be necessary to attach appendices. Appendices are typically reserved for background information or studies used to support findings in the EIS.

Once the Draft EIS is complete, DOT&PF makes it available to the public and agencies for comment.

For more information on developing the contents of each section, refer back to the resources displayed on the slide describing the 5 Ws' of an EIS.



After the Draft EIS has been prepared, DOT&PF must make it available to the public for review and comment. To initiate this process, DOT&PF starts by filing a Notice of Availability, or NOA, with the EPA for publication in the Federal Register. The NOA specifies the locations where the EIS can be reviewed. DOT&PF is required to make it available in their regional office; however, they can also make it available at local public libraries, the DOT&PF website, community centers, and other similar locations. The NOA identifies the public comment period for the EIS, which will be between 45 to 60 days, unless DOT&PF establishes a different timeline, with the agreement of all participating agencies. DOT&PF may extend the comment deadline if necessary.

DOT&PF must also send the Draft EIS to and request comment from:

- Public officials, interest groups, and members of the public known to have an interest in the proposed project;
- Federal, state, and local agencies with jurisdiction or expertise;
- Participating and cooperating agencies; and
- Affected tribes and Native Corporations.

Another form of outreach during the public comment period are public hearings. FHWA regulations require that one or more public hearings or opportunities for public hearings be held during the public comment period. Whenever a public hearing is held, the Draft EIS should be available at the hearing and for a minimum of 15 days prior to it, and the public comment period shall end at least 10 days after the public hearing.

At the end of the public comment period, a summary of the comments received and a response to each comment is developed and the Final EIS is prepared.



Final EIS

A Final EIS must:

- Provide a summary of the comments received during the public comment period along with associated responses.
- Identify the preferred alternative and the reasons for why it was selected.
- Include errata sheets if modifications to the Draft EIS are minor.



At the end of the public comment period, DOT&PF takes into consideration the feedback from the public comment period and develops the Final EIS. The Final EIS identifies the preferred alternative, discusses the basis for its identification as preferred, and evaluates all reasonable alternatives considered. As shown on the slide, the preferred alternative is typically the alternative that achieves the best balance between impacts, regulatory requirements, costs, and needs. If the preferred alternative in the Final EIS is different from the preferred alternative presented in the Draft EIS, the Final EIS must clearly identify the changes, describe the reasons for the changes, and discuss the reasons why any new impacts are not of major concern.

In preparing a Final EIS, if modifications to the Draft EIS are minor and are limited to factual corrections or explanations of why the comments do not warrant further response, errata sheets may be attached to the Draft EIS in lieu of rewriting the Draft EIS for the final document.

Once the Final EIS is complete, DOT&PF must file it with the EPA, issue an NOA, and make the Final EIS available for public review at the DOT&PF region office and other public locations.

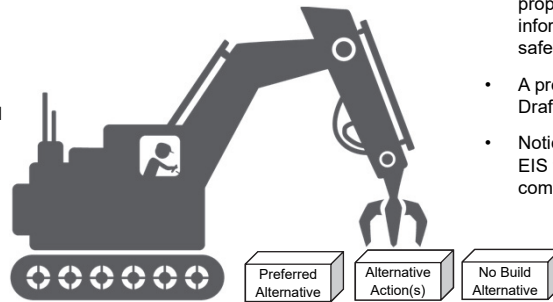
In many cases, the Final EIS and ROD can be combined into a single document and distributed together. The next slide will explain when this approach is appropriate.



Record of Decision (ROD)

The ROD must identify:

- The selected alternative
- The environmentally preferred alternative
- Mitigation measures
- Required Section 4(f) approval



A Final EIS and ROD can be combined if:

- There are no substantial changes to the proposed action or significant new information relevant to environmental or safety concerns
- A preferred alternative was identified in the Draft EIS
- Notice was provided on the cover of the Draft EIS that the Final EIS and ROD will be combined



The ROD represents DOT&PF's final decision on the project – it presents the selected alternative and the basis for its selection. The ROD must also identify the environmentally preferred alternative and – if a different alternative is selected – state the reasons why the environmentally preferred alternative was not selected. Any mitigation measures that will be incorporated in the project and required Section 4(f) approval must be summarized in the ROD as well.

To the maximum extent practicable, a Final EIS and ROD should be combined to help streamline the EIS process. This approach can be taken if:

- There are no substantial changes to the proposed action or significant new information relevant to environmental or safety concerns; and
- DOT&PF have identified a preferred alternative in the Draft EIS and provided notice that the Final EIS and ROD will be combined on the cover of the Draft EIS.

If DOT&PF does not combine the Final EIS and ROD in a single document, then DOT&PF must prepare the ROD separately and it may be signed no earlier than 30 days after publication of the NOA of the Final EIS in the Federal Register or 90 days after publication of the NOA of the Draft EIS, whichever is later.



This slide presents an overview of the DOT&PF review and approval process for a Draft and Final EIS.

The process starts with the DOT&PF project development team, which performs Quality Assurance, or QA, and Quality Control, or QC, review during preparation of the EIS through collaboration, project meetings, and intradepartmental review of sections, chapters, or the entire document. The DOT&PF project development team performs this review to help prevent document errors and omissions, ensure content accuracy and information consistency, and verify that the EIS conforms to all NEPA requirements and applicable guidance, policies, and procedures. The Regional Environmental Manager, or REM, provides the first-tier QA review and may request that subject matter experts review sections of the EIS that contain information pertaining to their areas of expertise. Once comments have been addressed to the satisfaction of the REM, the REM will obtain the region preconstruction engineer's recommendation for public availability. Upon approval from the region preconstruction engineer, the REM transmits the EIS to the State Environmental Office for QC review.

Once the QA/QC review is complete, cooperating agencies are typically given an opportunity to review the EIS before it is approved for public circulation. This review period may be up to 30 days long, depending on the complexity of the project and related issues. DOT&PF should respond to cooperating agency comments in the EIS.

Lastly, the EIS must be assessed by the Alaska Department of Law for compliance with legal requirements. Once the legal sufficiency review has been satisfactorily completed, the EIS can be approved for public circulation.

To document that the EIS has completed all three forms of review, the REM and Statewide Environmental Program Manager each certify this in separate QC review completion certification emails for the region project file.

On the next slide, we will cover what circumstances necessitate the development of a Supplemental EIS.



Final EIS

Supplemental EISs are required if there are:

- Substantial changes in the proposed action that are relevant to environmental concerns
- Significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts



The procedures for preparing a Supplemental EIS are the same as for a Draft EIS and a Final EIS, with the exclusion of scoping.



According to the Council on Environmental Quality NEPA Regulations, agencies must prepare supplements to either draft or final EISs if there are:

- Substantial changes in the proposed action that are relevant to environmental concerns, or
- Significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

The procedures for preparing a Supplemental EIS are the same as for a Draft EIS and a Final EIS, as presented in earlier slides, with the exclusion of scoping. The procedures for DOT&PF review and approval also apply to supplemental EISs.



Module Review



Module 5: What You've Learned...

- The definitions of an EIS, an NOI, and a ROD
- Key components of an EIS
- The procedures for preparing an EIS, including public involvement and agency coordination
- Circumstances that would necessitate preparation of a supplemental EIS
- QC review and approval processes for an EIS and a ROD



This concludes Module 5 of DOT&PF's Environmental Procedures Manual Training Program.

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