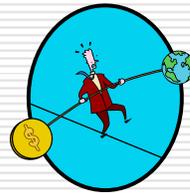


# Environmental Impact Assessment

---

E. Beimborn, University of Wisconsin-Milwaukee



## NEPA: the National Environmental Policy Act

---



- Enacted in 1969
- Provides a general statement of federal policy towards the environment:
- Sec. 101: ... "It is the continuing policy of the Federal Government . . . to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, **to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.**"

## Sec 102 – “Forcing Mechanism”

---

- Sec. 102 (C) -- added on as a **“forcing mechanism”** to see that the policy in Sec. 101 was carried out.
- Required that federal agencies: “include in every ... **major Federal actions significantly affecting the quality of the human environment**, a detailed statement by the responsible official on –
  - (i) the environmental impact of the proposed action,
  - (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
  - (iii) alternatives to the proposed action,
  - (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
  - (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.”

---

3

## Sec 102 also requires that agencies:

---

- Obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved.
- Use a systematic interdisciplinary approach
- Develop procedures for considering unquantified environmental amenities in decision making
- Consider alternative use of the resources involved
- Support initiatives to maximize worldwide cooperation to enhance the quality of the environment



---

4

## Environmental Impact Statements

---

- Environmental Impact Statement preparation is a major step in the project implementation process.
- Required for all "major federal actions significantly affecting the environment." The project must be
  - **major,**
  - **federal,**
  - **an action, and**
  - **have an effect on the environment that is**
  - **significant.**
  - These terms were not defined in the original law and have been left for agencies and the courts to define.

---

5

## Environmental Impact Statements

---

- If an EIS is required it is first prepared as a draft EIS for comments by others and then following a decision, the comments and a responses are added and it is issued as a final EIS.
- An EIS may also be required by many states which have passed laws similar to NEPA
- The EIS is also used to meet the requirements of other legislation relating to environmental issues, such as parkland preservation, clean air, wetland impacts. etc



---

6

## Sample Impact Statements

---

- Most impact statements are posted on line by the agency that prepares the statement.
- Go to agency web site and search for environment. Some sources:
  - FTA Environmental Documents  
[http://www.fta.dot.gov/18087\\_ENG\\_HTML.htm](http://www.fta.dot.gov/18087_ENG_HTML.htm)
  - EPA Current Statements:  
<http://cfpub.epa.gov/compliance/nepa/current/>  
<http://www.epa.gov/fedrgstr/EPA-IMPACT/>

---

7

## NEPA requires the following content in an EIS

---

- A description of the proposed project and its surroundings.
- The probable impact of the proposed project.
- Any probable adverse environmental effects which cannot be avoided should the proposal be implemented.
- Alternatives to the proposed action.
- The relationship between local, short-term uses of man's environment and the maintenance and enhancement of long-term productivity.
- Any irreversible and irretrievable commitments of resources which would be involved if the project should be implemented.
- Where unavoidable environmental effects are encountered, measures taken and proposed to minimize harm.
- Comments by agencies and the public.

---

8

## EA or EIS?

---

- ❑ Environmental assessments (EA) are used for projects where it is not known if the impact is 'significant'. In that case, an analysis needs to be conducted of the project to determine significance.
- ❑ An EA can be as extensive as a full EIS or more limited, if the impacts are in only a few categories.



---

9

## FONSI, Negative Declaration

---

- ❑ If the project does not significantly affect the environment a FONSI – a finding of no significant impact is filed instead.
- ❑ If it is not a major federal action neither an EIS nor a negative declaration is required.

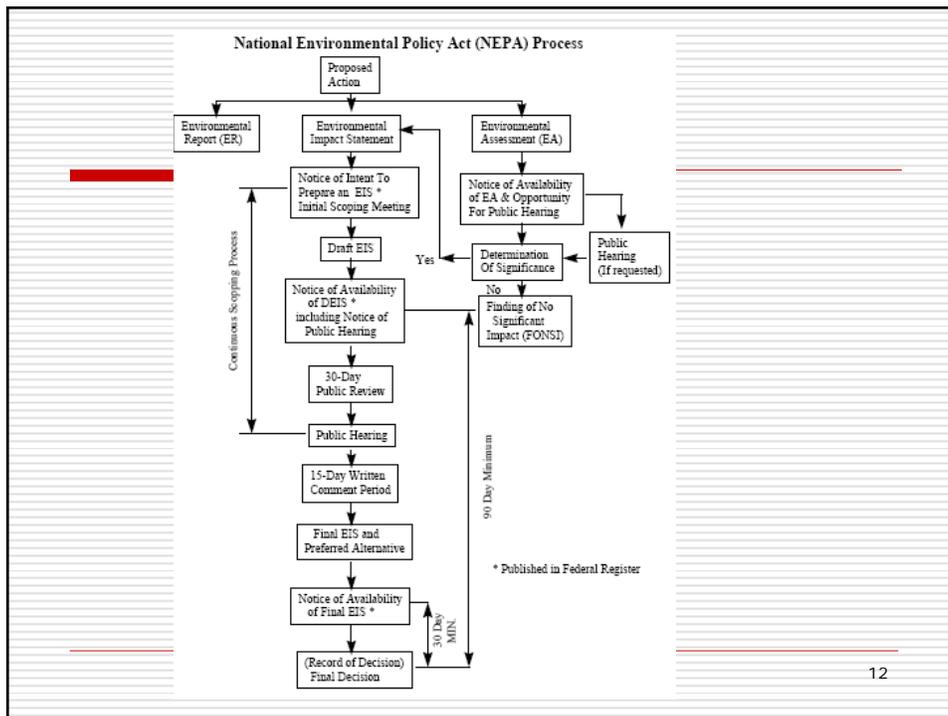


---

10

# Action Categories

- Actions can be of three types:
  - 1) Categorical exclusions, minor actions that do not require any environmental analysis or have by their nature a significant impact,
  - 2) Projects with unknown impacts that may or may not require a full EIS, in that case and environmental assessment (EA) takes place and
  - 3) Significant Projects that automatically require a full EIS. Each agency prepares a list of example projects in each category.



## Phases of Analysis

---

- ❑ Scoping Process: Determine what alternatives will be analyzed and what criteria will be used. Alternatives include alternative technology and locations
- ❑ Public participation: Identify how the affected agencies and the public will participate and have input in the process
- ❑ Determine the affected environment: Identify geographic area affected by the project
- ❑ Analysis: Assess the impacts for each category for each alternative.
- ❑ Mitigation: If adverse impacts are expected to occur, how will they be minimized or eliminated?
- ❑ Decision making: Who decides? What alternative is chosen?

---

13

## Impact Categories

---

- ❑ Impact statements or EAs should consider all relevant impacts. This can be an extensive list. Different agencies have different lists
- ❑ General categories:
  - Community Impacts
  - Natural Area Impacts



---

14

## FTA Impact Categories (1)

---

- Social and Economic Impacts
  - Land acquisition
  - Land use and development changes
  - Economic impacts
  - Safety and security
  - Visual Impacts
- Air quality
- Endangered species
- Floodplains



---

15

## FTA Impact Categories (2)

---

- Historic, archeological and cultural resources
- Navigable waterways and coastal zones
- Noise and vibration
- Water Quality
- Wetlands
- Transportation Impacts
  - Transit
  - Traffic
  - Parking



---

16

## Other Relevant Legislation

---

- Environmental analysis are frequently used to meet the requirements of other state and federal laws and regulations: Some of the important of these are:
  - Clean Air Act
  - Clean Water Act
  - Endangered Species Act
  - Federal Wetland Management Order (1977)
  - Relocation Assistance Law
  - Historic Preservation Act
  - Archaeological and Historic Preservation Act
  - Civil Rights Act – (Environmental Justice Order)
  - Sec. 4f of the Department of Transportation Act (Parkland protection).
  - Americans with Disabilities Act



17

## Useful Web pages

---

- EPA Information
  - <http://www.epa.gov/compliance/nepa/index.html>
- NEPA's Forty Most Asked Questions
  - <http://ceq.eh.doe.gov/nepa/regs/40/40P3.htm>
- Regulations for Implementing NEPA
  - [http://ceq.eh.doe.gov/nepa/regs/ceq/toc\\_ceq.htm](http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm)
- EPA Laws, Regulations and Guidance
  - <http://es.epa.gov/oeca/ofa/legis.html>
- Policy and Procedures for the Review of Federal Actions Impacting the Environment
  - <http://es.epa.gov/oeca/ofa/policy.html>
- Cross-Cutting Environmental Laws: A Guide for Federal/State Project Officers, January, 1991
  - <http://es.epa.gov/oeca/ofa/crosscut.html>

18

## Acknowledgements

---

- Some of this material was developed as part of work being conducted by the Great Cities University consortium under the lead of the University of Alabama at Birmingham using funds provided by the Federal Transit Administration of the U.S. Department of Transportation.
- The opinions expressed are the product of independent university work and not necessarily those of the sponsoring agencies or of the agencies supplying data for the project.