

### 3.7 WESTERN FLHD PROCEDURE

**Section 3.4 ENVIRONMENTAL ANALYSIS AND PUBLIC INVOLVEMENT - Subsection A, B, C & D.** Add the following:

**1. Purpose.** These procedures establish WFLHD supplemental guidance for addressing the National Environmental Policy Act requirements, related environmental laws, regulations, and associated permits when WFLHD is the Lead Federal Agency in developing a transportation improvement project. The WFLHD Procedures, known as the Division Environmental Review Team (DERT) process, for implementing the Federal Lands Highway Office Operations Plan for streamlining the Environmental Impact Statement (EIS) Review and Approved Process are also included.

#### 2. Table of Contents.

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**3. General.** The procedures provide the core activities and tasks for implementing and supplementing the Federal Lands Environmental Process described in Chapter 3, especially in Section 3.4. The guidance principally addresses the environmental activities in project development. However, related environmental actions and responsibilities that occur during construction and post-construction are described as well.

The environmental activities are consistent with activities tracked in the Program and Resource Management System (PRMS), although the definitions have been clarified and expanded.

**4. Glossary.** The following is a list of abbreviations used in the Environmental process:

<b>4(f)</b>	23 U.S.C. 138 (49 U.S.C. 303)
<b>A/E</b>	Architectural/Engineering
<b>ACHP</b>	Advisory Council on Historic Preservation
<b>BA</b>	Biological Assessment (Endangered Species Act)
<b>CE</b>	Categorical Exclusion
<b>CEQ</b>	Council on Environmental Quality
<b>CFR</b>	Code of Federal Regulations
<b>COE</b>	Construction Operations Engineer
<b>COE</b>	Corps of Engineers (U.S. Department of the Army)
<b>COTR</b>	Contracting Officer's Technical Representative
<b>DE</b>	Division Engineer
<b>DEIS</b>	Draft Environmental Impact Statement

<b>DERT</b>	Division Environmental Review Team
<b>DOE</b>	Design Operations Engineer
<b>DOT</b>	Department of Transportation
<b>EA</b>	Environmental Assessment
<b>EPA</b>	Environmental Protection Agency
<b>ES</b>	Environmental Staff
<b>ESA</b>	Endangered Species Act
<b>FEIS</b>	Final Environmental Impact Statement
<b>FH</b>	Forest Highway
<b>FHWA</b>	Federal Highway Administration
<b>FLH</b>	Federal Lands Highway
<b>FLHO</b>	Federal Lands Highway Office (Washington DC)
<b>FONSI</b>	Finding of No Significant Impact
<b>FS</b>	Forest Service (U.S. Department of Agriculture)
<b>FWS</b>	Fish and Wildlife Service (U.S. Department of Interior)
<b>HPA</b>	Historic Preservation Act
<b>NEPA</b>	National Environmental Policy Act
<b>NHPA</b>	National Historic Preservation Act
<b>NOI</b>	Notice of Intent
<b>NPDES</b>	National Pollutant Discharge Elimination System
<b>NRHP</b>	National Register of Historic Places
<b>P&amp;N</b>	Purpose and Need
<b>PD Team</b>	Project Delivery Team
<b>PD Process</b>	Project Development Process
<b>PDDM</b>	Project Development and Design Manual
<b>PIP</b>	Public Involvement Plan
<b>PIR</b>	Project Identification Report
<b>PS&amp;E</b>	Plans, Specifications, and Estimate
<b>ROD</b>	Record of Decision
<b>ROW</b>	Right-of-Way
<b>SEE TEAM</b>	Social, Economic, and Environmental Team
<b>SDIC</b>	Systematic Development of Informed Consent
<b>SHA</b>	State Highway Agency
<b>SHPO</b>	State Historic Preservation Officer
<b>USDA</b>	United States Department of Agriculture
<b>USDI</b>	United States Department of Interior
<b>USDOT</b>	United States Department of Transportation
<b>WFLHD</b>	Western Federal Lands Highway Division

**5. Operating Procedures.** These procedures include three flow charts, one for each classification of projects (I, II, and III). The charts contain the environmental project development activities, including the related tasks that make up these activities, and show them in sequential order reflecting WFLHD's overall project development process. The activities and tasks do not totally occur in series and they may overlap in some areas depending upon the project situation.

After each flow chart, short definitions of the activities and their respective tasks are provided. This information is the guidance for implementing the steps of the environmental processes at WFLHD. The procedures then include a matrix which contains the overall responsibilities of the various offices and management personnel at WFLHD for inputting, preparing, reviewing, and approving the actions, documents, and decisions in the environmental process.

The procedures conclude with many support documents (shown as figures) that provide background information, examples of required format/content for certain documents, and copies of related guidance like the WFLHD Procedures for implementing the Federal Lands EIS Operations Plan. These documents do not address every environmental requirement, subject, or issue that might be encountered in a project. Other references dealing with specific resources and issues like wetlands, cultural resources, Endangered Species Act and Environmental Justice, etc., are to be used in coordination with the Federal Highway Administration (FHWA) and Federal Lands Highway (FLH) environmental procedures as described in Chapter 3.

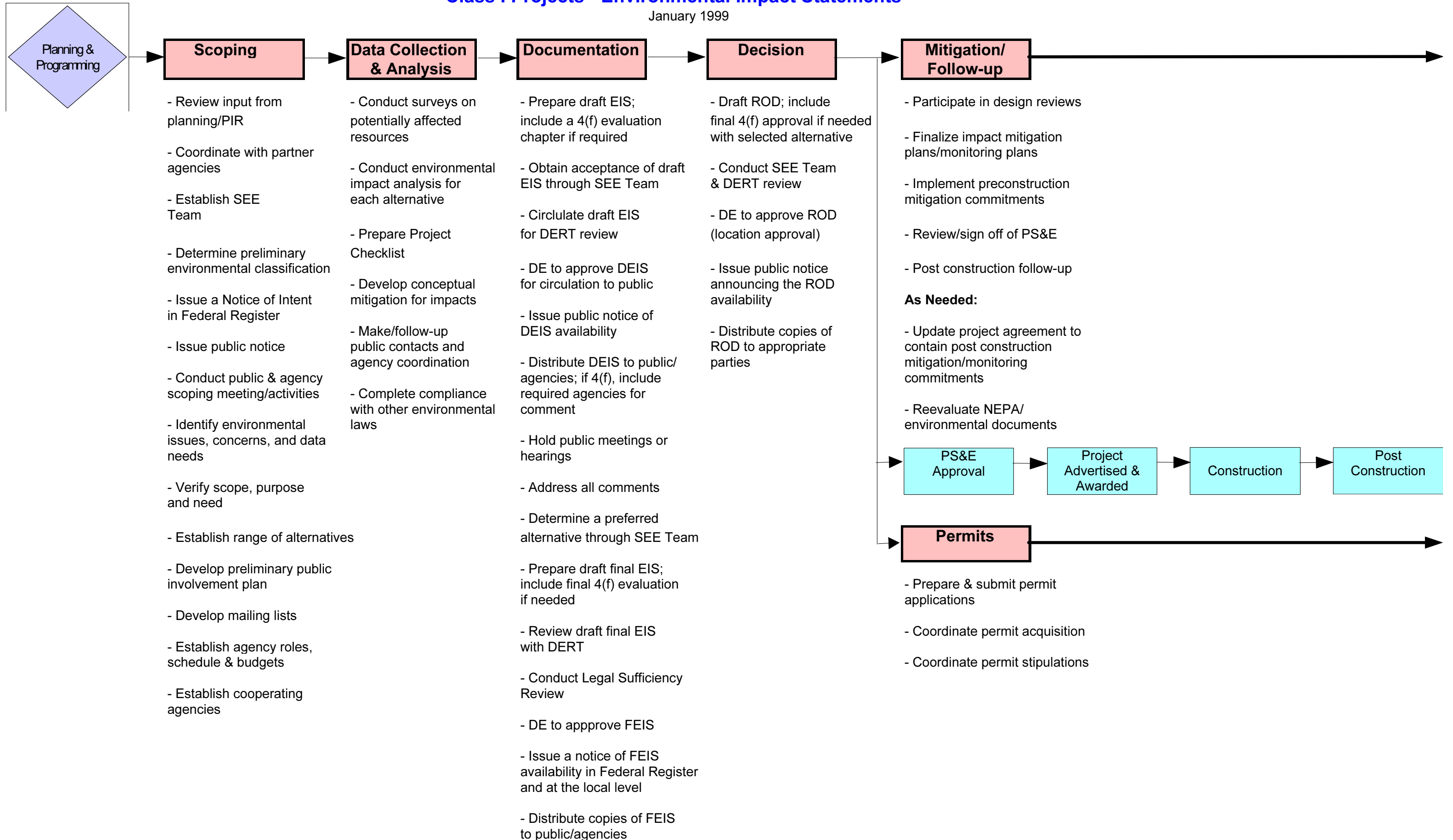
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Figure A

# WFLHD Core Environmental Process Flow Chart

## Class I Projects - Environmental Impact Statements

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## Class I - EIS Flow chart, activities, and tasks

A. ENVIRONMENTAL ACTIVITIES AND TASKS. The following activities and tasks constitute the Western Federal Lands Highway Division (WFLHD) Environmental Process for developing Federal Lands Highway (FLH) Class I projects when WFLHD is the Lead Federal Agency. When projects are being developed by a different Lead Federal Agency, other environmental procedures may apply.

These activities and tasks are the same as those shown in [Figure A](#). The descriptions and definitions provided for each activity and task are brief, but further information can be obtained from references in the description. The responsible party for performing the tasks is also included in the description.

1. **SCOPING [For Class I - Environmental Impact Statement (EIS) Projects]**. The scoping activity is the initial step in the Project Development (PD) process. It consists of numerous administrative, coordinating, and analytical tasks which establish project level teams, identifies the project parameters, and sets in motion the engineering, environmental, and public involvement processes for a specific project. The major tasks include:

a. REVIEW INPUT FROM PLANNING/PROJECT IDENTIFICATION REPORT (PIR). This task is performed by the Design Operation Engineer (DOE) and the Project Delivery Team members which include an Environmental Staff (ES) representative. They review the project information developed during the earlier Planning and Programming activities to understand the project features (location, termini, general scope of work, purpose and need, etc.) and related environmental issues that helped place the project in the Program of Projects (Transportation Improvement Program). This information is commonly found in the PIR.

b. COORDINATE WITH PARTNER AGENCIES. The DOE and ES are to establish working level communications and coordination with the partner agencies who are directly involved/responsible for the project. For Forest Highway (FH) projects, this commonly is the Forest Service (FS) [Forest Engineer, District Ranger, etc.], State Department of Transportation (State DOT), and the road owner, (County and/or State DOT). In other categories of the Federal Lands Highway Program the involved/responsible agencies will vary.

This task normally involves a face-to-face meeting (early coordination meeting) with the partner agencies and a field trip to the project to collectively review the project site and the past and current project information. Any project changes from the planning phase are discussed and the direction is set for future project development activities. For simple minor projects being processed with a Categorical Exclusion (CE), the early coordination meeting may not be necessary, if other communication is effective.

c. ESTABLISH SOCIAL, ECONOMIC, AND ENVIRONMENTAL (SEE) TEAM. The WFLHD uses an interagency, interdisciplinary team to guide project development activities and ensure the SEE effects of the project are fully addressed. The SEE Team is a decision-making body that acts on behalf of their agencies to coordinate and share project level activities and reach a consensus on major project decisions.

The WFLHD DOE establishes the SEE Team in cooperation with the partner agencies. The SEE Team is composed of representatives from the Federal Land Management Agency, (usually the Forest Service), the State DOT, the County (if the road is under county jurisdiction), and WFLHD. Other interested agencies, organizations, or groups may also become team members or just participate in an advisory capacity. Agencies can have multiple members, but they should vote as one agency. The WFLHD DOE and a WFLHD ES representative are to be SEE Team members with the DOE chairing the team.

More specific details of the SEE Team and its roles, responsibilities, and procedures are contained in [Figure E](#).

d. **DETERMINE PRELIMINARY ENVIRONMENTAL CLASSIFICATION.** The project development processes, especially the National Environmental Policy Act (NEPA) requirements, vary depending upon what environmental classification (Class I, II, or III) is designated for the proposed project.

In coordination with the SEE Team, the DOE and ES must review the planning information; the project's scope, alternatives, purpose and need; related environmental issues, concerns and data; and public input to determine the appropriate preliminary project classification. Each class requires a different type of NEPA document to be prepared.

A Class I project requires the preparation of an Environmental Impact Statement document.

A Class II project is recorded in a Categorical Exclusion document.

A Class III project requires the preparation of an Environmental Assessment (EA) document.

Project classification starts in Planning when a tentative preliminary project classification is included in the PIR. During the Scoping activity, project classification is again addressed as more specific project information becomes available. The project checklist prepared in the data collection activity also mentions the proposed preliminary project classification for all classes of projects.

Class I projects are those actions which individually or cumulatively have significant environmental impacts. See Chapter 23 in the Code of Federal Regulations (CFR), Section 771.115 for more specifics about these types of actions. The classification documentation for a Class I project is contained in a Notice of Intent (NOI) which is addressed in task e.

Project classifications may be revised whenever there is a major change in project scope or in the related environmental impacts. The project classifications are finalized when the required NEPA documents are issued.

Environmental Regulations 23 CFR 771.115 and 40CFR 1500-1508 provide guidance on classifying projects.

e. **ISSUE NOTICE OF INTENT IN FEDERAL REGISTER.** After a project has been determined to be a Class I, a formal NOI is prepared by the DOE and ES and published/ distributed as directed in 23 CFR 771.123 and FHWA Technical Advisory T6640.8A. The NOI announces the project Class I designation, the scoping activities, and the plans to prepare an EIS.

f. **ISSUE PUBLIC NOTICE.** As a part of early project coordination activities, a public notice is issued to all potentially affected publics regardless of the project classification. This alerts them to the start of the project development process and invites their input and involvement. This is usually the first step in the Public Involvement Plan (PIP) and the notice asks for comments on the project scope, purpose and need, alternatives, related SEE effects, and potential permits.

The public notice is prepared by the DOE and ES and is published in two to three general circulation (daily or weekly) newspapers in the project area, as well as sent to any known publics.

Examples of a public notice are contained in [Figure H](#) along with preparation and processing guides. Each public notice to be published in a newspaper is assigned a sequential number that is used for accounting purposes. There is also a standard cover letter to be prepared.

g. **CONDUCT PUBLIC & AGENCY SCOPING MEETING/ACTIVITIES.** The scoping process is to be used to identify the range of alternatives and impacts and significant issues to be addressed in the EIS as referenced in 23 CFR 771.123. The DOE and ES are to interact with the public and affected agencies by conducting formal meetings, open houses, or other activities as described in the projects PIP covered in task k.

h. **IDENTIFY ENVIRONMENTAL ISSUES, CONCERNS, AND DATA NEEDS.** Uncovering a project's environmental issues, concerns, and data needs is a continuing process that starts in Planning and extends into post-construction. The initial effort occurs in the Scoping Activity when the DOE and ES review the environmental information collected in the PIR and then systematically update and supplement it with more current, complete information. This involves making contacts and inquiries with other interested/ affected agencies and publics, and conducting field reviews. The environmental portion of the project checklist should be used as a guide in this early coordination activity as the project issues are being defined.

Projects which have been identified as Class I (to be processed with an EIS) are to have a formal, systematic scoping process as required in the Council of Environmental Quality (CEQ) Environmental Regulations, 40 CFR 1500 - 1508, and the FHWA Environmental Regulations, 23 CFR 771.

i. **VERIFY SCOPE, PURPOSE AND NEED.** Through early coordination and data analyses with affected, interested agencies and publics, the project scope (nature of work), its intended purpose, and the needs to be addressed, should be reviewed, refined as needed, and documented.

Usually, the first task of the SEE Team is to review the PIR, other related planning/program information, and results from recent site inspections to verify or revise the project's basic scope and purpose and need to ensure they address the current project situation/condition. This task is mostly technical in nature and uses the results of the preliminary engineering activities that define and quantify the transportation problem(s), and identify the overall scope (nature) of the solution. Any existing transportation/environmental conflicts in the project corridor should be identified as well.

The established scope, purpose, and need are not final at this point and these elements may continue to be revised and refined as the NEPA process progresses and more information is collected. All major changes in a project's scope, schedule, and costs are to be cycled back to the program agencies for approval action as described in the PIR manual.

For Class I projects, a formal systematic scoping process which includes substantial public involvement will determine/evaluate the project scope, and purpose and need.

j. **ESTABLISH RANGE OF ALTERNATIVES.** Realistic, reasonable ways (alternatives) for implementing the scope of the project should be identified that will address the purpose and need of the project. Project objectives may even be developed to prioritize the elements in the purpose and need.

Identifying alternatives is a major task of the SEE Team and it mostly involves technical/engineering/ transportation analyses conducted in the preliminary design phase. The Project Identification Process Manual and



Chapter 4 of the Project Development and Design Manual (PDDM) defines this technical process and the terms used in describing alternatives.

Alternative solutions provide a basis for comparing the SEE effects of the alternatives to help determine the best balanced alternatives and the least environmentally damaging project alternative.

Depending, in part, on the complexity of the scope, purpose and need, and the costs and environmental impacts of the possible solutions, numerous alternatives may be identified for further analyses. Most Class I projects are complicated and expensive with potentially significant environmental impacts, and therefore, many alternatives (3-10) may be identified.

k. **DEVELOP PRELIMINARY PIP.** Input from interested, affected publics including other agencies, organizations and the general public is critical for implementing successful transportation planning, project development, and construction processes. These publics should be given opportunities to provide input, to receive project information, and to participate in decision-making processes.

The SEE Team should develop a PIP early in the PD process and adjust it as needed. The plan is to ensure that mechanisms and schedules for interacting with the publics are anticipated, prepared, and implemented by the appropriate SEE Team agencies. The plan is to be customized for project complexity, SEE effects, NEPA process, and type of affected publics. The plan should also address the public involvement needs of our partner and cooperating agencies.

The Systematic Development of Informed Consent (SDIC) public participation principles and associated communication techniques should be applied as often as possible. The results of the public involvement activities are summarized in the NEPA document.

For Class I and III projects, rather formal public involvement activities (including NEPA document reviews) are required per 23 CFR 771.

Typical PIP for the three classes of projects are contained in [Figure F](#). Each plan still has to be revised and customized for the individual project and related conditions.

l. **DEVELOP MAILING LISTS.** Developing mailing lists of interested, affected publics is an important early step in public involvement. This facilitates and systematizes communication with the publics and provides a good record of interaction and distribution of information.

The DOE and ES should obtain existing mailing lists from partner agencies and amend them to better address the publics associated with the project and its corridor, including the landowners. The project mailing list should be updated as new publics become involved.

m. **ESTABLISH AGENCY ROLES, SCHEDULES, AND BUDGETS.** After establishing the SEE Team, it is important that all the involved agencies/representatives understand their project roles, the schedule of activities, and project budgets.

Each project can have a different mix of agency responsibilities and financial commitments and these should be documented in formal Project Agreements prepared by the DOE. As the project develops, more specific environmental responsibilities, including possible post-construction environmental monitoring and roadside protection should be added to the Project Agreement as well.

In addition, the DOE with ES input should use the Program and Resource Management Systems (PRMS) to establish specific environmental resource needs and schedules to effectively interact with the other project development activities.

n. **ESTABLISH COOPERATING AGENCIES.** During the project scoping process, agencies who have a special interest, expertise, jurisdiction, or permit responsibility for the proposed project are to be identified by the SEE Team. These agencies should be closely coordinated with throughout the PD process. In some cases, they may want to become more closely involved in the project (i.e., members of the SEE Team) and this should be done by first designating them as Cooperating Agencies.

For Class I projects, those interested, affected agencies should be requested by the DOE to become “Cooperating Agencies” as described in the 23 CFR 771 and FHWA’s Guidance on Cooperating Agencies, March 1992.

For FH projects, the FS is normally designated a Cooperating Agency in the NEPA process when WFLHD is acting as the Lead Federal Agency.

In most states, a NEPA/Section 404 Merger Process has been established among FHWA, State DOT, State/Federal Resource Agencies, and the U.S. Army Corps of Engineers to facilitate project coordination and permit approvals. The WFLHD projects, starting with the scoping activity, are to be coordinated through that State’s Merger Process. Coordinating a project through the Merger Process may reduce the need to establish Cooperating Agencies with those agencies affected. The DOE and ES have copies of the State Merger Processes.

**2. DATA COLLECTION AND ANALYSIS (For Class I - EIS Projects).** The data collection and analysis activity is a critical part of the environmental process and it usually takes the longest time and level of effort to conduct. Data on environmental resources is collected and studied to provide a scientific and analytical basis for evaluating impacts of design alternatives. Opportunities to avoid or minimize impacts are identified and incorporated into the design alternatives. Mitigation for unavoidable impacts is identified and developed, and compliance with environmental laws is addressed. The major tasks include:

a. **CONDUCT SURVEYS ON POTENTIALLY AFFECTED RESOURCES.** The ES is responsible for this task. This task requires a thorough review of the project area and design alternatives to identify potentially affected resources and the scope of required surveys. A list of typical environmental resources that need to be considered is provided in Chapter 3 of the PDDM.

b. **CONDUCT ENVIRONMENTAL IMPACT ANALYSIS FOR EACH ALTERNATIVE.** The SEE Team is responsible for this task. This task requires a systematic interdisciplinary analysis to determine type, location, and significance of environmental impacts resulting from the proposed alternatives. The analysis is based on information collected through environmental studies and coordination with the public and government agencies. Both context and intensity must be considered when determining significance as described in 40 CFR 1508.27.

c. **PREPARE PROJECT CHECKLIST.** The Project Delivery Team is responsible for preparing the Project Checklist. The Project Checklist is a combined engineering and environmental document that contains updated project information from the PIR, input from early public involvement efforts, and the results of engineering and environmental studies completed to date. In addition to background information and the project purpose and need, the Project Checklist also describes the alternatives being considered, provides a preliminary evaluation of the environmental effects of those alternatives, and estimates which permits may be needed.

The Project Checklist may be distributed as part of the PIP. Public distribution of the Project Checklist provides an opportunity for the public which may be affected by the proposed action, or which may have regulatory administrative interest, such as permit agencies to become more involved in the project development process.

The Project Checklist becomes the principal input to the future NEPA document and highway design activities. Depending on the intended use of the Project Checklist, the sensitivity of the project, and the project classification, the format and detail of information included may vary. Examples are provided in [Figure I](#).

Upon completion of the Project Checklist and associated public involvement efforts, the SEE Team should review the potential environmental effects identified in the Project Checklist and public input received to date to determine if the preliminary environmental classification is still appropriate. If it is necessary to change the environmental classification, project development activities and schedule should be revised accordingly.

d. **DEVELOP CONCEPTUAL MITIGATION FOR IMPACTS.** The Project Delivery Team in coordination with the SEE Team is responsible for this task. Mitigation for unavoidable adverse impacts (both significant and non-significant) must be identified in the NEPA document and incorporated into the project [23 CFR 771.105(d)]. As part of the project, mitigation can also be implemented before or after construction through reimbursable agreements with partner agencies. The CEQ regulations (40 CFR 1508.20) describe some of the methods for mitigating impacts.

Impacts to some sensitive resources, such as wetlands, must be mitigated in accordance with Federal and State laws, and Executive Orders.

It is important that preliminary design work for some types of proposed mitigation (i.e., wetland development) be performed at this time to ensure that the mitigation is feasible to implement and has a reasonable chance for long-term success.

In addition to mitigation of adverse effects, it is FHWA policy to seek opportunities to go beyond traditional project mitigation efforts and implement innovative enhancement measures into transportation projects (FHWA Environmental Policy Statement, 1994).

Enhancements can have very positive effects to the overall environment in the road corridor and they can help build good relationships with affected public. The WFLHD enhancement efforts need to be closely coordinated with the SEE Team and other affected agencies and public to determine if and when enhancements are suitable for the project.

e. **MAKE/FOLLOW-UP PUBLIC CONTACTS AND AGENCY COORDINATION.** The Project Delivery Team is to maintain communications with the public and affected agencies including permit agencies that have expressed interest in or have contributed to the development of the project to date. Communications should include such information as major changes to project alternatives, additional impacts to resources, relevant public or agency input, or revisions to project schedule or classification.

The NEPA/Section 404 Merger Process in each state may also prescribe certain coordination steps for affected projects needing individual Section 404 permits.

f. **COMPLETE COMPLIANCE WITH OTHER ENVIRONMENTAL LAWS.** The ES is responsible for this task.

It is the policy of the FHWA, that to the fullest extent possible, all environmental investigations, reviews, and consultations be coordinated as a single process, and compliance with all applicable environmental requirements, including permits, be reflected in the environmental document (23 CFR 771.105).

The ES should coordinate with the DOE, Legal Counsel, and Senior Environmental Engineer when full compliance with other environmental requirements cannot be obtained and recorded in the NEPA documents. At a minimum, a “determination of effect” for all resources should be included in pre-decisional NEPA documents [EA, Draft Environmental Impact Statement (DEIS)] and concurrences from outside agencies [required to complete compliance with such laws as the Endangered Species Act (ESA) and the Historic Preservation Act (HPA)] should be obtained prior to signature of decision documents [CE, FONSI, Record of Decision (ROD)].

**3. DOCUMENTATION ( FOR CLASS I - EIS PROJECTS).** The “documentation” phase of the EIS process is compiling all the data and analysis done previously into a “full disclosure” document. The EIS need not be exhaustive in its explanation of issues and impacts. Prior to launching into an EIS, the ES should be familiar with the following governing regulations: CFR 40 Parts 1500 to 1508; 23 CFR 771.123, 125 and 127; and FHWA Tech. Advisory T 6640.8A, Sections V through XII.

Unless otherwise noted, all activities done during the documentation phase are the responsibility of the ES in coordination with the DOE.

a. **PREPARE DRAFT EIS; [INCLUDE A 4(f) EVALUATION CHAPTER IF REQUIRED].** The ES, supported by the Project Delivery Team, will manage the development of the EIS. The actual writing of an EIS may be done by an Architectural and Engineering (A/E) firm because of the document’s size and complexity. Information for the EIS is taken from the Project Checklist, technical resource studies, studies and reports done by other federal, state and local governments, and many other sources, including personnel communication with knowledgeable people.

The format and content of an EIS are set by CEQ and FHWA in the above noted regulations. A considerable amount of coordination and negotiation is required with all agencies who may have an interest, either as managing land owners or permit issuers. When 4(f) is involved, evaluation, coordination and negotiation with the affected agency will take considerable effort and normally is an ongoing activity while the EIS writing is in process [Section 4(f) is defined in 23 CFR 771.135].

An EIS can come in many sizes, but attempts should be made to keep it under 150 pages. An EIS is not evaluated by size but by content. As noted above, it should address in detail only those issues which may be significant. Unlike an EA, an EIS needs to address all reasonable alternatives to the same level of detail and evaluation of impacts. A preferred alternative is not typically selected at the DEIS stage. Alternatives studied but rejected must be described and reasons for eliminating them briefly discussed.

b. **OBTAIN ACCEPTANCE OF DRAFT EIS THROUGH SEE TEAM.** Once the DEIS is completed to the satisfaction of the Project Delivery Team, copies of the document are distributed to all SEE Team members for a detailed review. The review time should take into consideration any coordination that occurred with the SEE Team as the DEIS was being developed.

c. **CIRCULATE DRAFT EIS FOR DERT REVIEW.** After review comments, discussions, and coordination of issues are completed with the SEE Team, the EIS is revised accordingly and distributed for a two stage review to the “technical” and “compliance” reviewers. The reviewing technical disciplines include Hydraulics,

Geotech, Bridge (for major structures), the DOE, Construction Operations Engineer (COE) and Branch Chief. The compliance reviewers are the Division Environmental Review Team (DERT), which includes the Senior Environmental Engineer, Design Quality and Safety Engineer, and Legal Counsel as shown in [Figure K](#) where the DERT process is described fully. The review comments from the technical experts shall be incorporated into the document, or be available as an attachment, prior to distributing the document for DERT review.

When the project is complex and controversial, the SEE Team review and the technical review may happen consecutively. It may happen concurrently if the project is simple, to hasten the process. The DERT review will take place when all other reviews are complete and comments are available.

The ES is to provide copies of the DEIS to the DERT Team Leader (Senior Environmental Engineer) for all of the DERT members. After conducting the review, which will take a minimum of five working days to complete, the DERT Team Leader will provide a summary of team comments to the DOE and PD Branch Chief.

After the DOE, ES, and other Project Delivery Team members have had an opportunity to address the comments, the DERT will review the results and prepare an approval recommendation with comments/conditions as appropriate and provide this information to the DOE.

The DERT review will, among other issues, verify if the document is in full compliance with NEPA and related environmental laws and regulations, and recommends if it should be approved by the Division Engineer (DE).

d. **DE TO APPROVE DEIS FOR CIRCULATION TO PUBLIC.** After all the review comments have been addressed and the DEIS revised accordingly, the ES prepares a package of materials for DE review and approval. The materials include a DEIS title page for signature approval, a copy of the DEIS, and the DERT approval recommendations including any conditions/comments.

The DOE submits the package through the PD Branch Chief to the DE for review and signature approval on the title page.

The DOE and ES should be prepared to brief the DE on any significant or controversial issues affecting the project.

e. **ISSUE PUBLIC NOTICE OF DEIS AVAILABILITY.** Public Notices are prepared for publishing in a general circulation newspaper that serves the project area. It may take publication in two or three daily or weekly papers to adequately cover the area. Public notices should state that the DEIS is available for review and comment, that a public hearing/meeting will be held and the public will be given opportunities to comment.

A Public Notice, customized for individuals, is sent to selected public officials and others who, in the opinion of the ES, should receive an individual notification. A public notice indicating DEIS availability shall also be sent to the Federal Register [40 CFR 1506.10 and 23 CFR 771.123 (I)]. See PDDM, Chapter 3, Exhibits for Public Notice procedures and samples.

f. **DISTRIBUTE DEIS TO PUBLIC/AGENCIES [IF 4(f), INCLUDE REQUIRED AGENCIES FOR COMMENT].** The DEIS is distributed to those publics identified in 23 CFR 771.123 (g)(1), (2), and (3) and T 6640.8A Section VII. A minimum 45-day comment period is required. See [Figure J](#) for a typical distribution list.

g. **HOLD PUBLIC MEETING OR HEARING.** Public meetings or hearings for a DEIS have a legal requirement which must be complied with. Section 23 CFR 771.111 details what information needs to be

covered. These meetings, which are part of the Project PIP, can be accomplished in many ways. If the project is very controversial, the meeting should be conducted by a “neutral” person. If the meeting will be mostly information sharing, it can be managed by FHWA. Much is involved in holding a successful public meeting and adequate notification and pre-planning should take place to gain the greatest amount of agency and public feedback and comment. The public meeting should be held during the 45-day comment period so sufficient time is available after the meeting (minimum of 15 days desirable) to submit comments. If the comment period is about to expire, extensions should be announced at the public meeting.

If the WFLHD process is to be used by other agencies to fulfill some of their NEPA, environmental, or public involvement requirements, the process should then be adjusted, within reasonable limits, to meet these requirements.

h. **ADDRESS ALL COMMENTS.** At the conclusion of the comment period, comments from every source, in writing and oral, need to be evaluated and addressed, and the DEIS revised accordingly. There are no specific methods to make changes but recommended ways have been developed and are shown in the PDDM, Chapter 3, Exhibits. Response to comments and document changes lead the evolution of the project into the preferred alternative for the FEIS, and become the key for agency decision-making.

Responses to written comments should be individually addressed in the comment letter, with its response included as a separate chapter in the FEIS. Recommended response methods are shown in the above referenced Exhibits.

Written comments from elected public officials and other appropriate commenters should be acknowledged by return correspondence detailing WFLHD’s response. When comments are complex, involved or unresolvable, one-on-one contact with the commenter(s) may be warranted to fully discuss and explain WFLHD’s position.

i. **DETERMINE A PREFERRED ALTERNATIVE THROUGH SEE TEAM.** After addressing all comments, and considering all the issues, the SEE Team is to select a preferred alternative. If no alternative was identified as “preferred” in the DEIS, the preferred alternative should then be selected that meets the Purpose and Need of the project (as stated in the document) and minimizes the environmental impacts. If the project requires an individual 404 permit and has gone through the “NEPA/Section 404 Merger process,” the preferred alternative should then be the “least environmentally damaging practicable alternative (LEDPA).” A preferred alternative, that does not meet the LEDPA test, must be well documented and justified. Impacts to 4(f) resources are justification for selecting an alternative other than the LEDPA. The preferred alternative must be one that was fully studied in the DEIS, or is a combination of alternatives that were fully studied. If an alternative is selected because of comments, new information etc., that was not fully studied, then a supplemental DEIS may be necessary before the document can proceed to the final EIS (FEIS) stage.

j. **PREPARE DRAFT FINAL EIS; INCLUDE FINAL 4(f) EVALUATION IF NEEDED.** After all comments are addressed, conflicts resolved, and coordination complete with 4(f), endangered species, archaeological/historic resources, 404 merger process, etc., the FEIS can be written. This document will contain the information from the DEIS, modified in response to comments, and clearly identifying the environmental impacts associated with the preferred alternative. Any new information not included in the draft document and important to the preferred alternative should be included in the FEIS. Changes within the text will be clearly noted as recommended in the Exhibits to Chapter 3.

k. **REVIEW DRAFT FINAL EIS WITH DERT.** The DERT review of the FEIS is similar to the process used in the DEIS review, but mostly focuses on changes from the DEIS. The ES can facilitate this review by

pointing out major changes, rational behind selecting the preferred alternative and any other issues that may be important or questionable.

l. **CONDUCT LEGAL SUFFICIENCY REVIEW.** In addition to participating in the DERT review, the FHWA legal counsel will perform a separate legal sufficiency review of the FEIS, as a final step before DE approval of the FEIS and development of the ROD. The document is reviewed for compliance with NEPA (purpose and need, reasonable range of alternatives, direct, indirect, and cumulative environmental impacts, mitigation measures), and all other applicable environmental requirements. [Note: NEPA compliance was reviewed at the DEIS stage and deficiencies should have been corrected at that time. This review is required per 23 CFR 771.125 (b)].

m. **DE TO APPROVE FEIS.** After all the review comments have been addressed and the FEIS revised accordingly, the ES prepares a package of materials for the DE to review and approve. The materials include a FEIS title page for signatory approval, a copy of the FEIS, the DERT approval recommendations, including any conditions or comments, and the legal sufficiency review.

The DOE submits the package through the PD Branch Chief to the DE for review and signature approval on the title page.

The DOE and ES should be prepared to brief the DE on any important, significant or unusual issues identified in the FEIS.

n. **ISSUE A NOTICE OF FEIS AVAILABILITY IN FEDERAL REGISTER AND AT THE LOCAL LEVEL.** Notices of availability of the FEIS are published in the Federal Register and local newspapers. These notices will indicate the locations of documents for review and the appropriate contact person to request a copy [see 23 CFR 771-125 (g)].

Notices of FEIS availability are typically sent to the full mailing list indicating documents are available to those who request one.

o. **DISTRIBUTE COPIES OF FEIS TO PUBLIC/AGENCIES.** Distribution of the FEIS is covered under the same statutes as the DEIS. Documents are normally distributed free of charge to all who request one. If requests are anticipated to become excessive, documents requested by private citizens can be charged for. The cost will be equal to the cost of printing.

4. **DECISION (Class I - EIS Projects).** The decision activity is a major milestone in the environmental process and is the culmination of the preliminary design phase. For Class I projects, the activity includes generating a decision document (ROD) that follows the final EIS and sets forth the reasons for the project decision, based on information in the EIS. While cross referencing and incorporating by reference to material in the final EIS or other documents is appropriate, the ROD completely and clearly explains the basis for the project decision. The decision constitutes location approval and commits the project to specific mitigation. Once the ROD is signed, the intermediate design phase which includes right-of-way (ROW) acquisition can begin.

a. **DRAFT ROD; INCLUDE FINAL 4(f) APPROVAL IF NEEDED, WITH SELECTED ALTERNATIVE.** The ES is responsible for this task. This task requires that a concise public record be generated to document FHWA's decision. The ROD will state which alternative is selected, identify all alternatives considered by FHWA in reaching its decision, state whether all practicable means to avoid or minimize environmental harm

from the selected alternative have been adopted, and document any required Section 4(f) approval (40 CFR 1505.2, 23 CFR 771.127, and T6640.8A).

b. **CONDUCT SEE TEAM & DERT REVIEW.** The ES is responsible for this task. The draft ROD is circulated to the SEE Team for review. Comments are incorporated as appropriate. The DERT review procedures are similar to those used for the DEIS and FEIS reviews. The review focuses on whether the ROD is adequately supported by the FEIS.

c. **DE TO APPROVE ROD (Location Approval).** The ROD will be signed no sooner than 30 days after publication of the FEIS notice in the Federal Register or 90 days after publication of a notice for the DEIS, whichever is later.

The ROD is signed in accordance with the DERT process. Signature of the DE constitutes location approval. The intermediate design phase which includes such activities as ROW acquisition may begin.

d. **ISSUE PUBLIC NOTICE ANNOUNCING THE ROD AVAILABILITY.** The ES is responsible for this task. Repeat the process used to notify the public that the FEIS was available.

e. **DISTRIBUTE COPIES OF ROD TO APPROPRIATE PARTIES.** The ES is responsible for this task. Repeat the work performed to distribute the FEIS. Copies of the ROD should also be sent to those parties that commented on the FEIS.

**5. MITIGATION/FOLLOW-UP (Class I - EIS Projects).** Mitigation and follow-up activities are the final steps in the environmental process to ensure that prior commitments are implemented. Field reviews and design coordination are conducted throughout the design process. Mitigation and monitoring plans are finalized and preconstruction mitigation (such as cultural resource recovery) is carried out before the ground is disturbed. The Plans, Specifications and Estimates (PS&E) package is reviewed and signed, and post-construction follow-up is in place. Successful mitigation (for both the short- and long-term) helps to foster trust with the public and the resource agencies and may help smooth the permit process for future projects. The major tasks for mitigation/follow-up are as follows:

a. **PARTICIPATE IN DESIGN REVIEWS.** The ES contributes to the development of project design and attends office and field reviews throughout the design phase as needed. Adjustments are identified and recommended throughout the design phase to minimize impacts to critical environmental areas such as wetlands, cultural resource sites, or sensitive plant and animal habitats. The ES assists the designer in incorporating environmental issues into the design. The ES invites permit agencies to attend field reviews which may ease acquisition of permits. The ES must also be alert for changes in conditions between the NEPA stage and final design, such as newly proposed T & E species, new regulations, or substantial changes in environmental impacts and related costs. The ES must also be able to explain design details to the resource agencies and the public. By participating in project design reviews and meetings, environmental issues are coordinated with construction personnel who are involved in these same activities. This includes providing copies of the NEPA documents and mailing lists to the “hold” file, participating in the preparatory discussions for the preconstruction conference, and attending joint design construction reviews during construction.

b. **FINALIZE IMPACT MITIGATION PLANS/MONITORING PLANS.** The ES gathers information from the resource or permit agencies and coordinates with the WFLHD’s design and technical staff and external partners. Information is used to develop the details to implement the environmental mitigation measures required as part of the NEPA and permit processes to offset project impacts to resources. Mitigation measures



may be grouped into plans for providing a comprehensive, detailed approach for mitigating impacts to certain resources. Wetlands, cultural resources, and revegetation are common areas for which project-level mitigation plans are prepared. It is essential that the detailed mitigation satisfactorily address and implement conceptual mitigation measures. The mitigation plans or measures are then included in the highway contract, developed as a separate contract, or sometimes implemented by others (i.e., FS, partner agencies, or resource agencies).

Sometimes, the environmental mitigation measures require formal monitoring during or after construction to ensure their effectiveness in eliminating or reducing impacts. Monitoring requirements are commonly documented in a comprehensive, detailed plan. The provisions of the plans are incorporated in the contract or assigned to WFLHD personnel or others for execution. Erosion control, water quality, and revegetation are common areas that receive formal monitoring. The results of monitoring are shared with resource and permit agencies as required. The environment may be enhanced in a way that is not required to mitigate project impacts, but the enhancement may foster good relationships with the general public or partner agencies (for more details on enhancement, reference the 1994 Environmental Policy Statement brochure).

c. **IMPLEMENT PRECONSTRUCTION MITIGATION COMMITMENTS.** Preconstruction mitigation must be completed before the ground is disturbed by construction activities. Protection and recovery of cultural resource sites or artifacts is a common form of this type of mitigation. Additionally, wetland mitigation is sometimes required before construction begins. Preconstruction mitigation must be conducted by the ES early enough in the process to allow time for completion before construction begins, but also far enough along so that design details are known and impacts are clearly understood.

d. **REVIEW/SIGN-OFF OF PS&E.** The ES reviews the contract PS&E package prior to advertisement to ensure that the proposed action has not changed from the NEPA approval stage and that the environmental mitigation and permit stipulations discussed in the NEPA document and the permits are included. The ES also signs the PS&E Assembly and Review (WFLHD-2) form to indicate the project is ready for advertisement from an environmental standpoint or lists the conditions that should be addressed or completed before it is ready.

e. **POST-CONSTRUCTION FOLLOW-UP.** Mitigation follow-up can occur during and after construction. Post-construction follow-up should be routinely performed in coordination with WFLHD's Design, Construction and other technical personnel to gain an understanding of the successes and failures of mitigation. Follow-up also serves as a valuable learning tool for future projects. Follow-up may include activities that go beyond PS&E commitments, such as site visits, phone calls, and invitations to resource and partner agencies to participate in follow-up reviews.

f. **UPDATE PROJECT AGREEMENT TO CONTAIN POST-CONSTRUCTION MITIGATION-/MONITORING COMMITMENTS.** It may be necessary to update the project agreement in coordination with the DOE to include post-construction mitigation or monitoring commitments. Changes should be noted in the agreement and new copies routed to the involved partner agencies.

g. **REEVALUATE NEPA/ENVIRONMENTAL DOCUMENTS.** The ES reevaluates the environmental documents to make sure that the project has remained unchanged and that the level and type of impact and related mitigation is still accurately reflected. Documents may also need to be reevaluated if their shelf life has expired. Formal Reevaluations are required for EIS's within 3 years of approval if major steps to advance the project have not occurred, as described under Section 771.129. For details regarding reevaluations for EIS, EA, and CE documents, please see (a), (b), and (c) of this section. Formal Reevaluation is a structured process and includes the approval signatures by the appropriate officials who signed the original document. See [Figure N](#) for guidelines on how to prepare a Reevaluation Document.

**6. PERMITS (Class I - EIS Projects).** Permits may be required at the local, state, and federal level for project activities. Violation of the terms of the permit may result in fines and/or a suspension of construction activities until the violation is resolved. The permit process is a joint effort among internal and external partners and the ES. The process usually involves filling out and submitting applications, paying application fees (if applicable), and ensuring that the permit conditions are carried out on the ground. The major tasks of the permit process are as follows:

a. **PREPARE AND SUBMIT PERMIT APPLICATIONS.** The ES gathers data from all sources (design, technical services, external partners, Project Checklist, NEPA documents) to fill out permit applications for required permits. The types of permits needed varies widely among projects depending upon the type of resource affected and the level of impact anticipated. Federal permits commonly required for water-related impacts are issued from the Corps of Engineers (401 and 404 permits), the Department of Environmental Quality, and the Environmental Protection Agency (EPA) for a National Pollutant Discharge Elimination System (NPDES) permit. Permits required at the state level are state-specific, but may include Stream Alteration and Water Quality Permits. A complete list of permits needed on a state-by-state basis is included in the Appendix. The time frame required to obtain permits varies widely and is dependent on how accurate and thorough the application is, the level of public involvement, the complexity of the project, and the level of mitigation required. Permits generally require at least 3-5 months to obtain, but can sometimes take a year or more. It is helpful to ask for permit application forms and instructions from each permit agency and to follow through with a phone call to talk through each of the questions on the application to ensure that the correct information is supplied the first time. Incorrect or missing information greatly slows down the permit process. Each permit must be signed by the appropriate WFLHD official.

Permits have lifespans that vary in length. The ES should strive to obtain permits that are valid for the duration of the project. If this is not possible, the issuing agency should be contacted to ensure that there is a clear understanding of how to extend the permit if necessary. If a permit expires before the permitted work is completed, a permit renewal must be obtained from the issuing agency. The ES and Project Engineer are jointly responsible for ensuring that permit renewal needs are identified early. The ES is responsible for obtaining the permit renewal. Permit renewals may require just a phone call or may require an additional annual fee until the permitted work is completed.

The NEPA/404 merger process is an attempt to streamline project development activities by bringing the resource and permit agencies into the process at a very early stage to avoid pitfalls and “surprises” late in the design process. This process only applies to projects that need individual Corps 404 permits. The WFLHD is committed to using the Merger Process established by the resource, permit, and DOT agencies from each state.

b. **COORDINATE PERMIT ACQUISITION.** The ES contacts the resource agencies shortly after the application is mailed to ensure the application has been received, and periodically thereafter, to nudge the resource agencies along and to supply information as needed. The point of contact for permit questions is the ES.

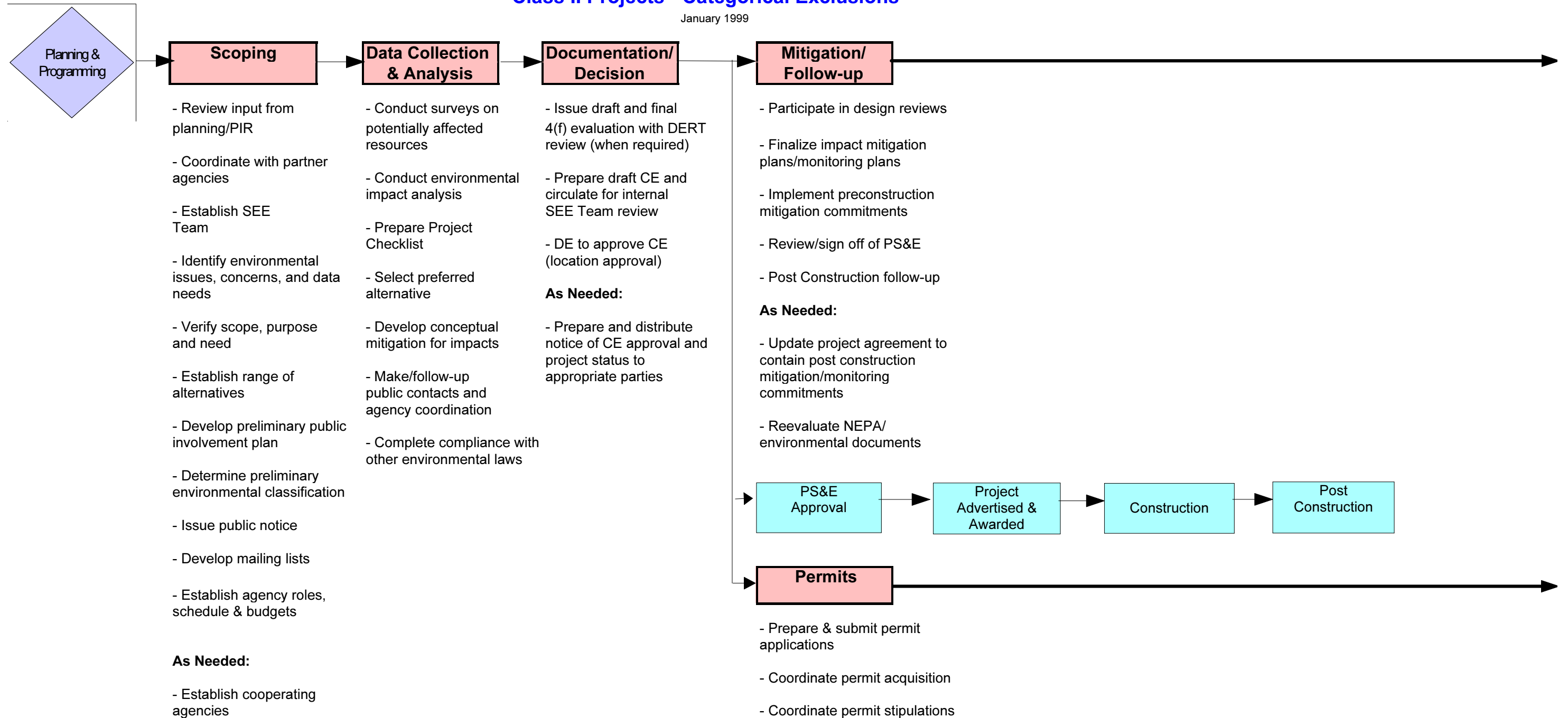
Permit fees are sometimes required (especially for water quality permits). If under \$2500, a permit fee can be initiated with a Purchase Order or paid with a check from a government credit card. Permits will not be issued until payment has been received in full.

c. COORDINATE PERMIT STIPULATIONS. The ES checks the PS&E package to see if the permit stipulations have been addressed. Once the project goes to construction, the ES works with the Project Engineer to ensure that the permit conditions are implemented and working as agreed to. If the scope of the permitted work changes during construction, the Project Engineer notifies the ES. The ES contacts the resource agencies and determines the appropriate course of action. Post-project monitoring of the site may span several years. The terms of the permit may require that a monitoring report be developed each year for 3 to 5 years post-construction to determine if the mitigation is successful or not. If the mitigation is unsuccessful, additional mitigation may be needed. The ES is responsible for making sure that the monitoring report is completed and sent to the appropriate resource agencies.

Figure B

## WFLHD Core Environmental Process Flow Chart Class II Projects - Categorical Exclusions

January 1999



## Class II - CE Flow chart, activities, and tasks

B. ENVIRONMENTAL ACTIVITIES AND TASKS. The following activities and tasks constitute the WFLHD Environmental Process for developing Federal Lands Highway (FLH) Class II projects when WFLHD is the Lead Federal Agency. When projects are being developed by a different Lead Federal Agency, other environmental procedures may apply.

These activities and tasks are the same as those shown in [Figure B](#). The descriptions and definitions provided for each activity and task are brief, but further information can be obtained from references in the description. The responsible party for performing the tasks is also included in the description.

1. **SCOPING [For Class II - Categorical Exclusion (CE) Projects]**. The scoping activity is the initial step in the Project Development (PD) process. It consists of numerous administrative, coordinating, and analytical tasks which establish project level teams, identifies the project parameters, and sets in motion the engineering, environmental, and public involvement processes for a specific project. The major tasks include:

a. REVIEW INPUT FROM PLANNING/PROJECT IDENTIFICATION REPORT (PIR). This task is performed by the Design Operation Engineer (DOE) and the Project Delivery Team members which include an Environmental Staff (ES) representative. They review the project information developed during the earlier Planning and Programming activities to understand the project features (location, termini, general scope of work, purpose and need, etc.) and related environmental issues that helped place the project in the Program of Projects (Transportation Improvement Program). This information is commonly found in the PIR.

b. COORDINATE WITH PARTNER AGENCIES. The DOE and ES are to establish working level communications and coordination with the partner agencies who are directly involved/responsible for the project. For Forest Highway (FH) projects, this commonly is the Forest Service (FS) [Forest Engineer, District Ranger, etc.], State Department of Transportation (State DOT), and the road owner, (County and/or State DOT). In other categories of the Federal Lands Highway Program the involved/responsible agencies will vary.

This task normally involves a face-to-face meeting (early coordination meeting) with the partner agencies and a field trip to the project to collectively review the project site and the past and current project information. Any project changes from the planning phase are discussed and the direction is set for future project development activities. For simple minor projects being processed with a Categorical Exclusion (CE), the early coordination meeting may not be necessary, if other communication is effective.

c. ESTABLISH SEE TEAM. The WFLHD establishes an interagency, interdisciplinary team to guide project development activities and ensure that the social, economic, and environmental (SEE) effects of the project are fully addressed. The SEE Team is a decision-making body that acts on behalf of their agencies to coordinate and share project level activities and reach a consensus on major project decisions.

The WFLHD DOE establishes the SEE Team in cooperation with the partner agencies. The SEE Team is composed of representatives from the Federal Land Management Agency, (usually the FS), the State DOT, the County (if the road is under county jurisdiction), and WFLHD. Other interested agencies, organizations, or groups may also become team members or just participate in an advisory capacity. Agencies can have multiple members, but they should vote as one agency. The WFLHD DOE and a WFLHD ES representative are to be the SEE Team members with the DOE chairing the team.

More specific details of the SEE Team and its roles, responsibilities and procedures are contained in [Figure E](#).

For simple, minor Class II projects (Class II projects are those processed as CEs) such as pavement overlays, a SEE Team can be less structured and less formal to fit the project situation.

d. **IDENTIFY ENVIRONMENTAL ISSUES, CONCERNS, AND DATA NEEDS.** Uncovering a project's environmental issues, concerns, and data needs is a continuing process that starts in Planning and extends into post-construction. The major effort occurs in the Scoping activity when the DOE and ES review the environmental information collected in the PIR and then systematically update and supplement it with more current, complete information. This involves making contacts and inquiries with other interested/affected agencies and publics, and conducting field reviews. The environmental portion of the Project Checklist should be used as a guide in this early coordination activity as project issues are being defined.

e. **VERIFY SCOPE, PURPOSE, AND NEED.** Through early coordination and data analyses with affected, interested agencies and publics, the project scope (nature of work), its intended purpose, and the needs to be addressed should be reviewed, refined as needed, and documented. All major changes in a project's scope, schedule, and costs are to be cycled back to the program agencies for approval action as described in the PIR manual.

Usually, the first task of the SEE Team is to review the PIR, other related planning/program information, and results from recent site inspections to verify or revise the project's basic scope and purpose and need to ensure they address the current project situation/condition. This task is mostly technical in nature and uses the results of the preliminary engineering activities that define and quantify the transportation problem(s), and identify the overall scope (nature) of the solution. Any existing transportation/environmental conflicts in the project corridor should be identified as well.

The established scope, purpose, and need are not final at this point and these elements may continue to be revised and refined as the National Environmental Policy Act (NEPA) process progresses and more information is collected.

f. **ESTABLISH RANGE OF ALTERNATIVES.** Realistic, reasonable ways (alternatives) for implementing the scope of the project should be identified that will address the purpose and need of the project. Project objectives may even be developed to prioritize the elements in the purpose and need.

Identifying alternatives is a major task of the SEE Team and it mostly involves technical/engineering/transportation analyses conducted in the preliminary design phase. The Project Identification Process Manual and Chapter 4 of the Project Development and Design Manual (PDDM) defines this technical process and the terms used in describing alternatives.

Alternative solutions provide a basis for comparing the SEE effects of the alternatives to help determine the best balanced alternatives and the least environmentally damaging project alternative.

Depending, in part, on the complexity of the scope, purpose, and need, and the costs and environmental impacts of the possible solutions, numerous alternatives may be identified for further analyses. Most Class I projects are complicated and expensive with potentially significant environmental impacts, therefore many alternatives (3-10) may be identified. On the other hand, Class II projects normally involve very moderate types of improvements to existing facilities with minimal environmental effects, so fewer alternatives (1-3) are identified.

Class III projects fall between these two classes and the projects vary substantially in complexity, cost, and environmental effects, therefore the amount and type of alternatives vary as well.

g. DEVELOP A PRELIMINARY PUBLIC INVOLVEMENT PLAN (PIP). Input from the interested, affected publics including other agencies, organizations, and the general public, is critical for implementing successful transportation planning, project development, and construction processes. These publics should be given opportunities to provide input, to receive project information, and to participate in decision-making processes.

The SEE Team should develop a PIP early in the PD process and adjust it as needed. The plan is to ensure that mechanisms and schedules for interacting with the publics are anticipated, prepared, and implemented by the appropriate SEE Team agencies. The plan is to be customized for project complexity, SEE effects, NEPA process, and type of affected publics.

The Systematic Development of Informed Consent (SDIC) public participation principles and associated communication techniques should be applied as much as possible. The results of the public involvement activities are summarized in the NEPA document.

Typical PIPs for the three classes of projects are contained in [Figure F](#). Each plan still has to be revised and customized for the individual project and related conditions. The plan should also address the public involvement needs of our partner and cooperating agencies.

h. DETERMINE PRELIMINARY ENVIRONMENTAL CLASSIFICATION. The project development processes, especially the NEPA requirements, vary depending upon what environmental classification (Class I, II, or III) is designated for the proposed project.

In coordination with the SEE Team, the DOE and ES must review (1) planning information; (2) project scope, alternatives, and purpose and need; (3) related environmental issues, concerns and data; and (4) public input to determine the appropriate preliminary project classification. Each class requires a different type of NEPA document to be prepared.

A Class I project requires the preparation of an Environmental Impact Statement (EIS).

A Class II project is recorded in a Categorical Exclusion document.

A Class III project requires the preparation of an Environmental Assessment (EA) document.

Project classification starts in Planning when a tentative preliminary project classification is included in the PIR. During the Scoping Activity, project classification is again addressed as more specific project information becomes available. The project checklist prepared in the data collection activity also mentions the proposed preliminary project classification for all classes of projects.

For Class II projects, no separate classification document is issued until the official CE is prepared by the DOE and ES later in the process.

Project classifications may be revised whenever there is a major change in project scope or in the related environmental impacts. The project classifications are finalized when the required NEPA documents are issued.

Environmental Regulations 23 CFR 771 and 40 CFR 1500-1508 provide guidance on classifying projects.

i. **ISSUE PUBLIC NOTICE.** As a part of early project coordination activities, a public notice is issued to all potentially affected publics regardless of the project classification. This alerts them to the start of the project development process and invites their input and involvement. This is usually the first step in the PIP. The notice asks for comments on the project scope; purpose, and need; alternatives; related SEE effects; and potential permits.

The public notice is prepared by the DOE and ES and is published in two to three general circulation (daily or weekly) newspapers in the project area, as well as sent to any known publics.

Examples of a public notice are contained in [Figure H](#) along with preparation and processing guides. Each public notice to be published in a newspaper is assigned a sequential number that is used for accounting purposes. There is also a standard cover letter to be prepared.

j. **DEVELOP MAILING LISTS.** Developing mailing lists of interested, affected publics is an important early step in public involvement. This facilitates and systematizes communication with the publics and provides a good record of interaction and distribution of information.

The DOE and ES should obtain existing mailing lists from partner agencies and amend them to better address the publics associated with the project and its corridor including the landowners. The project mailing list should be updated as new publics become involved.

k. **ESTABLISH AGENCY ROLES, SCHEDULES AND BUDGETS.** After establishing the SEE Team, it is important that all the involved agencies/representatives understand their project roles, the schedule of activities, and project budgets.

Each project can have a different mix of agency responsibilities and financial commitments and these should be documented in formal Project Agreements prepared by the DOE. As the project develops, more specific environmental responsibilities, including possible post-construction environmental monitoring and roadside protection should be added to the Project Agreement as well.

In addition, the DOE with ES input should use the Program and Resource Management Systems (PRMS) to establish specific environmental resource needs and schedules to effectively interact with the other project development activities.

l. **ESTABLISH COOPERATING AGENCIES.** During the project scoping process, agencies who have a special interest, expertise, jurisdiction, or permit responsibility for the proposed project are to be identified by the SEE Team. These agencies should be closely coordinated with throughout the PD process. In some cases they may want to become more closely involved in the project (e.g., members of the SEE Team) and this should be done by first designating them Cooperating Agencies.

For FH projects, the FS is normally designated as a Cooperating Agency in the NEPA process when WFLHD is acting as the Lead Federal Agency.

In most states, a NEPA/Section 404 Merger Process has been established among FHWA, State DOT, State/Federal Resource Agencies, and the U.S. Army Corps of Engineers to facilitate project coordination and permit approvals. The WFLHD projects, starting with the scoping, activity are to be coordinated through that State's



Merger Process. Coordinating a project through the Merger Process may reduce the need to establish Cooperating Agencies with those agencies affected. The DOE and ES have copies of the State Merger Processes.

**2. DATA COLLECTION AND ANALYSIS (For Class II - CE Projects).** The data collection and analysis activity is a critical part of the environmental process and it usually takes the longest time and effort to conduct. Data on environmental resources is collected and studied to provide a scientific and analytical basis for evaluating impacts of design alternatives. Opportunities to avoid or minimize impacts are identified and incorporated into the design alternatives. Mitigation for unavoidable impacts is identified and developed, and compliance with environmental laws is addressed. The major tasks include:

a. **CONDUCT SURVEYS FOR POTENTIALLY AFFECTED RESOURCES.** The ES is responsible for this task. This task requires a thorough review of the project area and design alternatives to identify potentially affected resources and the scope of required surveys. A list of typical environmental resources that need to be considered is provided in Chapter 3 of the PDDM. Environmental consultants or specialists from other agencies are normally contracted to conduct the surveys.

b. **CONDUCT ENVIRONMENTAL IMPACT ANALYSIS.** The SEE Team is responsible for this task. This task requires a systematic interdisciplinary analysis to determine type, location, and significance of environmental impacts resulting from the proposed alternatives. The analysis is based on information collected through environmental studies and coordination with the public and government agencies. Both context and intensity must be considered when determining significance as described in 40 CFR 1508.27.

c. **PREPARE PROJECT CHECKLIST.** The Project Delivery Team is responsible for preparing the Project Checklist. The Project Checklist is a combined engineering and environmental document that contains updated project information from the PIR, input from early public involvement efforts, and the results of engineering and environmental studies completed to date. In addition to background information and the project Purpose and Need, the Project Checklist also describes the alternatives being considered, provides a preliminary evaluation of the environmental effects of those alternatives, and estimates which permits may be needed.

The Project Checklist may be distributed as part of the PIP. Public distribution of the Project Checklist provides an opportunity for the publics which may be affected by the proposed action, or which may have regulatory administrative interest, such as permit agencies, to become more involved in the project development process.

The Project Checklist becomes the principal input to the future NEPA document and highway design activities. Depending on the intended use of the Project Checklist, the sensitivity of the project, and the project classification, the format and detail of information included may vary. Examples are provided in [Figure I](#).

Upon completion of the Project Checklist and associated public involvement efforts, the SEE Team should review the potential environmental effects identified in the Project Checklist and public input received to date to determine if the preliminary environmental classification is still appropriate. If it is necessary to change the environmental classification, project development activities and the schedule should be revised accordingly.

d. **SELECT PREFERRED ALTERNATIVE.** *Categorical Exclusion and Environmental Assessment (Class II and Class III).* The SEE Team selects the preferred alternative. A preferred alternative is selected based on how well the alternative meets the purpose and need balanced against the associated environmental impacts of the alternative, economics, and public input. Some environmental laws such as 4(f) may preclude selection of an alternative if other feasible and prudent alternatives exist.

e. **DEVELOP CONCEPTUAL MITIGATION FOR IMPACTS.** The Project Delivery Team in coordination with the SEE Team is responsible for this task. Mitigation for unavoidable adverse impacts (both significant and non-significant) must be identified in the NEPA document and incorporated into the project [23 CFR 771.105(d)]. As part of the project, mitigation can also be implemented before or after construction through reimbursable agreements with partner agencies. The CEQ regulations (40 CFR 1508.20) describe some of the methods for mitigating impacts.

Impacts to some sensitive resources, such as wetlands, must be mitigated in accordance with Federal and State laws, and Executive Orders.

It is important that preliminary design work for some types of proposed mitigation (i.e., wetland development) be performed at this time to ensure that the mitigation is feasible to implement and has a reasonable chance for long-term success.

In addition to mitigation of adverse effects, it is FHWA policy to seek opportunities to go beyond traditional project mitigation efforts and implement innovative enhancement measures into transportation projects (FHWA Environmental Policy Statement, 1994).

Enhancements can have very positive effects to the overall environment in the road corridor and they can help build good relationships with affected publics. The WFLHD enhancement efforts need to be closely coordinated with the SEE Team and other affected agencies and publics to determine if and when enhancements are suitable for the project.

f. **MAKE/FOLLOW-UP PUBLIC CONTACTS AND AGENCY COORDINATION.** The Project Delivery Team is to maintain communications with the publics, and affected agencies including permit agencies that have expressed interest in or have contributed to the development of the project to date. Communications should include such information as major changes to project alternatives, additional impacts to resources, relevant public or agency input, or revisions to project schedule or classification. For small CE projects, this coordination may be relatively minor.

The NEPA/ Section 404 Merger Process in each state may also prescribe certain coordination steps for affected projects needing individual Section 404 permits.

g. **COMPLETE COMPLIANCE WITH OTHER ENVIRONMENTAL LAWS.** The ES is responsible for this task.

It is the policy of the Federal Highway Administration, that to the fullest extent possible, all environmental investigations, reviews, and consultations be coordinated as a single process, and compliance with all applicable environmental requirements, including permits, be reflected in the environmental document (23 CFR 771.105).

The ES should coordinate with the DOE, Legal Counsel, and Senior Environmental Engineer when full compliance with other environmental requirements cannot be obtained and recorded in the NEPA documents. At a minimum, a “determination of effect” for all resources should be included in pre-decisional NEPA documents (EA, DEIS). Concurrences from outside agencies are required to complete compliance with such laws as the Endangered Species Act and the Historic Preservation Act. These concurrences should be obtained prior to signature of decision documents (CE, Finding of No Significant Impact, Record of Decision).

**3. DOCUMENTATION/DECISION (FOR CLASS II - CE PROJECTS).** Categorical Exclusions (CE) are a category or class of actions which do not individually or cumulatively have a significant effect on the human or natural environment and are thus excluded from further study by either an EA or EIS. The documentation/decision phase of the CE establishes an agency's environmental evaluation that the project does not create any significant impacts and is an action or activity which meets the definition in 23 CFR 771.117(a). The level of documentation necessary for a particular CE depends on the group the action falls under (T 6640.8A, Sec. I).

a. **ISSUE DRAFT AND FINAL 4(f) EVALUATION WITH DERT REVIEW (WHEN REQUIRED).** The ES will be responsible for preparation of the required 4(f) evaluation.

Projects classified as a CE can still include impacts to 4(f) lands. When the project is a CE, typically the 4(f) evaluation would be done as a separate draft and final document according to 23 CFR 771.135. Since CEs generally consider few alternatives and 4(f) evaluations must look at alternatives that avoid 4(f) properties, it is important that the CE adequately document why 4(f) property must be used. Programmatic 4(f) documentation can also be considered if the 4(f) impact is minor and meets the applicability requirements. See PDDM, Chapter 3 Exhibits for further guidance on 4(f). See [Figure K](#) for the WFLHD review procedures that involve the DERT.

Programmatic 4(f) documents do not need to go through the standard 4(f) circulation process to outside agencies.

b. **PREPARE DRAFT CE AND CIRCULATE FOR INTERNAL SEE TEAM REVIEW.** A CE is typically written in-house by the ES using information from the Project Checklist as the primary supporting documentation. Other documents are referenced that resolve or update any outstanding environmental issues.

A CE will be developed when it can be clearly justified that it meets applicable CE criteria. Documentation is a matter of judgement. The Technical Advisory states "The level of information to be provided should be commensurate with the actions's potential for adverse environmental impacts." The WFLHD CE outline and guidance document is included in [Figure L](#). Once written, it is circulated for review to the SEE Team, the Senior Environmental Engineer, and other appropriate Technical staff, including the Legal Counsel. After evaluating the comments, the CE is revised, as appropriate, for the Division Engineer's approval signature.

c. **APPROVE CE LOCATION APPROVAL.** The revised CE is transmitted, via routing slip, through the DOE and PD Branch Chief to the DE. The DOE and Branch Chief will affix their signature, indicating their recommendation for approval, with the DE being the last to sign as the approving official.

d. **PREPARE AND DISTRIBUTE NOTICE OF CE APPROVAL AND PROJECT STATUS TO APPROPRIATE PARTIES.** Once the document is signed, copies should be sent to SEE Team members for their environmental compliance records. Public distribution is not required.

**4. MITIGATION/FOLLOW-UP (Class II - CE Projects).** Mitigation and follow-up activities are the final steps in the environmental process to ensure that prior commitments are implemented. Field reviews and design coordination are conducted throughout the design process. Mitigation and monitoring plans are finalized and preconstruction mitigation (such as cultural resource recovery) is carried out before the ground is disturbed. The PS&E package is reviewed and signed, and post-construction follow-up is in place. Successful mitigation (for both the short- and long-term) helps to foster trust with the public and the resource agencies and may help smooth the permit process for future projects. The major tasks for mitigation/follow-up are as follows:

a. **PARTICIPATE IN DESIGN REVIEWS.** The ES contributes to the development of project design and attends office and field reviews throughout the design phase as needed. Adjustments are identified and recommended throughout the design phase to minimize impacts to critical environmental areas such as wetlands, cultural resource sites, or sensitive plant and animal habitats. The ES assists the designer in incorporating environmental issues into the design. The ES invites permit agencies to attend field reviews which may ease acquisition of permits. The ES must also be alert for changes in conditions between the NEPA stage and final design, such as newly proposed T & E species, new regulations, or substantial changes in environmental impacts and related costs. The ES must also be able to explain design details to the resource agencies and the public.

By participating in project design reviews and meetings, environmental issues are coordinated with construction personnel who are involved in these same activities. This includes providing copies of the NEPA documents and mailing lists to the “hold” file, participating in the preparatory discussions for the preconstruction conference, and attending joint design construction reviews during construction.

b. **FINALIZE IMPACT MITIGATION PLANS/MONITORING PLANS.** The ES gathers information from the resource or permit agencies and coordinates with the WFLHD’s design and technical staff and external partners. Information is used to develop the details to implement the environmental mitigation measures required as part of the NEPA and permit processes to offset project impacts to resources. Mitigation measures may be grouped into plans for providing a comprehensive, detailed approach for mitigating impacts to certain resources. Wetlands, cultural resources, and revegetation are common areas for which project-level mitigation plans are prepared. It is essential that the detailed mitigation satisfactorily address and implement conceptual mitigation measures. The mitigation plans or measures are then included in the highway contract, developed as a separate contract, or sometimes implemented by others (i.e., FS, partner agencies, or resource agencies).

Sometimes, the environmental mitigation measures require formal monitoring during or after construction to ensure their effectiveness in eliminating or reducing impacts. Monitoring requirements are commonly documented in a comprehensive, detailed plan. The provisions of the plans are incorporated in the contract or assigned to WFLHD personnel or others for execution. Erosion control, water quality, and revegetation are common areas that receive formal monitoring. The results of monitoring are shared with resource and permit agencies as required. The environment may be enhanced in a way that is not required to mitigate project impacts, but the enhancement may foster good relationships with the general public or partner agencies (for more details on enhancement, reference the 1994 Environmental Policy Statement brochure).

c. **IMPLEMENT PRECONSTRUCTION MITIGATION COMMITMENTS.** Preconstruction mitigation must be completed before the ground is disturbed by construction activities. Protection and recovery of cultural resource sites or artifacts is a common form of this type of mitigation. Additionally, wetland mitigation is sometimes required before construction begins. Preconstruction mitigation must be conducted by the ES early enough in the process to allow time for completion before construction begins, but also far enough along so that design details are known and impacts are clearly understood.

d. **REVIEW/SIGN-OFF OF PS&E.** The ES reviews the contract PS&E package prior to advertisement to ensure that the proposed action has not changed from the NEPA approval stage and that the environmental mitigation and permit stipulations discussed in the NEPA document and the permits are included. The ES also signs the PS&E Assembly and Review (WFLHD-2) form to indicate the project is ready for advertisement from an environmental standpoint or lists the conditions that should be addressed or completed before it is ready.

e. **POST-CONSTRUCTION FOLLOW-UP.** Mitigation follow-up can occur during and after construction. Post-construction follow-up should be routinely performed in coordination with WFLHD’s Design, Construc-

tion, and other technical personnel to gain an understanding of the successes and failures of mitigation. Follow-up also serves as a valuable learning tool for future projects. Follow-up may include activities that go beyond PS&E commitments, such as site visits, phone calls, and invitations to resource and partner agencies to participate in follow-up reviews.

f. **UPDATE PROJECT AGREEMENT TO CONTAIN POST-CONSTRUCTION MITIGATION/MONITORING COMMITMENTS.** It may be necessary to update the project agreement in coordination with the DOE to include post-construction mitigation or monitoring commitments. Changes should be noted in the agreement and new copies routed to the involved partner agencies.

g. **REEVALUATE NEPA/ENVIRONMENTAL DOCUMENTS.** The ES reevaluates the environmental documents to make sure that the project has remained unchanged and that the level and type of impact and related mitigation is still accurately reflected. Documents may also need to be reevaluated if their shelf life has expired. Formal Reevaluations are required for EIS's within 3 years of approval if major steps to advance the project have not occurred, as described under Section 771.129. For details regarding reevaluations for EIS, EA, and CE documents, please see (a), (b), and (c) of this section. Formal Reevaluation is a structured process and includes the approval signatures by the appropriate officials who signed the original document. See [Figure N](#) for guidelines on how to prepare a Reevaluation Document.

5. **PERMITS (Class II - CE Projects).** Permits may be required at the local, state, and federal level for project activities. Violation of the terms of the permit may result in fines and/or a suspension of construction activities until the violation is resolved. The permit process is a joint effort among internal and external partners and the ES. The process usually involves filling out and submitting applications, paying application fees (if applicable), and ensuring that the permit conditions are carried out on the ground. The major tasks of the permit process are as follows:

a. **PREPARE AND SUBMIT PERMIT APPLICATIONS.** The ES gathers data from all sources (design, technical services, external partners, Project Checklist, NEPA documents) to fill out permit applications for required permits. The types of permits needed varies widely among projects depending upon the type of resource affected and the level of impact anticipated. Federal permits commonly required for water-related impacts are issued from the Corps of Engineers (401 and 404 permits) and from the Department of Environmental Quality or Environmental Protection Agency (National Pollutant Discharge Elimination System permits). Permits required at the state level are state-specific, but may include Stream Alteration and Water Quality Permits. A complete list of permits needed on a state-by-state basis is included in the Appendix. The timeframe required to obtain permits varies widely and is dependent on how accurate and thorough the application is, the level of public involvement, the complexity of the project, and the level of mitigation required. Permits generally require at least 3-5 months to obtain, but can sometimes take a year or more. It is helpful to ask for permit application forms and instructions from each permit agency and to follow through with a phone call to talk through each of the questions on the application to ensure that the correct information is supplied the first time. Incorrect or missing information greatly slows down the permit process. Each permit must be signed by the appropriate WFLHD official.

Permits have lifespans that vary in length. The ES should strive to obtain permits that are valid for the duration of the project. If this is not possible, the issuing agency should be contacted to ensure that there is a clear understanding of how to extend the permit if necessary. If a permit expires before the permitted work is completed, a permit renewal must be obtained from the issuing agency. The ES and Project Engineer are jointly responsible for ensuring that permit renewal needs are identified early. The ES is responsible for obtaining the

permit renewal. Permit renewals may require just a phone call or may require an additional annual fee until the permitted work is completed.

The Nepa/404 Merger Process is an attempt to streamline project development activities by bringing the resource and permit agencies into the process at a very early stage to avoid pitfalls and “surprises” late in the design process. This process only applies to projects that need individual Corps 404 permits. The WFLHD is committed to using the Merger Process established by the resource, permit, and DOT agencies from each state.

b. **COORDINATE PERMIT ACQUISITION.** The ES contacts the resource agencies shortly after the application is mailed to ensure the application has been received, and periodically thereafter, to nudge the resource agencies along and to supply information as needed. The point of contact for permit questions is the ES.

Permit fees are sometimes required (especially for water quality permits). If under \$2500, a permit fee can be initiated with a Purchase Order or paid with a check from a government credit card. Permits will not be issued until payment has been received in full.

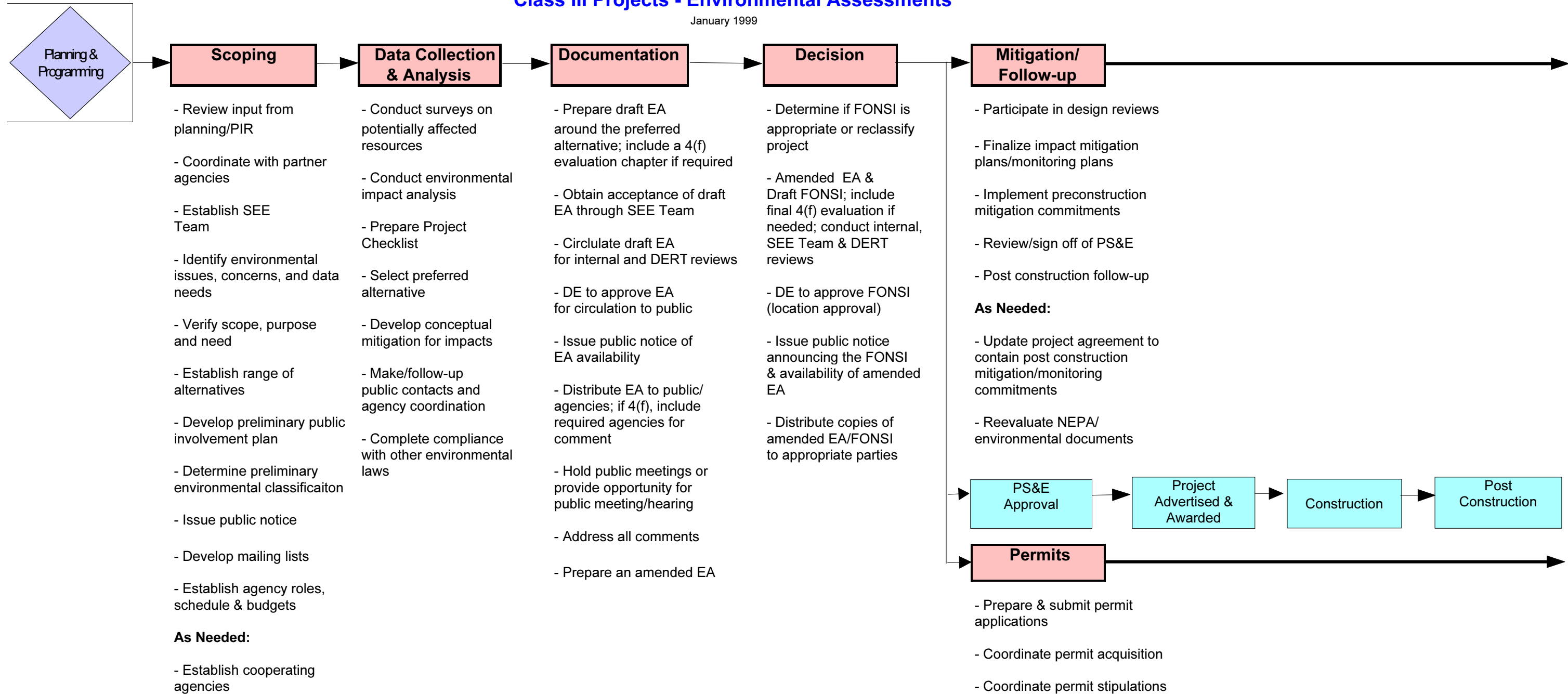
c. **COORDINATE PERMIT STIPULATIONS.** The ES checks the PS&E package to see if the permit stipulations have been addressed. Once the project goes to construction, the ES works with the Project Engineer to ensure that the permit conditions are implemented and working as agreed to. If the scope of the permitted work changes during construction, the Project Engineer notifies the ES. The ES contacts the resource agencies and determines the appropriate course of action. Post-project monitoring of the site may span several years. The terms of the permit may require that a monitoring report be developed each year for 3 to 5 years post-construction to determine if the mitigation is successful or not. If the mitigation is unsuccessful, additional mitigation may be needed. The ES is responsible for making sure that the monitoring report is completed and sent to the appropriate resource agencies.

Figure C

## WFLHD Core Environmental Process Flow Chart

### Class III Projects - Environmental Assessments

January 1999



## Class III - EA Flow chart, activities, and tasks

C. ENVIRONMENTAL ACTIVITIES AND TASKS. The following activities and tasks constitute the WFLHD Environmental Process for developing Federal Lands Highway (FLH) Class III projects when WFLHD is the Lead Federal Agency. When projects are being developed by a different Lead Federal Agency, other environmental procedures may apply.

These activities and tasks are the same as those shown in [Figure C](#). The descriptions and definitions provided for each activity and task are brief, but further information can be obtained from references in the description. The responsible party for performing the tasks is also included in the description.

1. **SCOPING (For Class III - EA Projects).** The scoping activity is the initial step in the Project Development process. It consists of numerous administrative, coordinating, and analytical tasks which establish project level teams, identifies the project parameters, and sets in motion the engineering, environmental, and public involvement processes for a specific project. The major tasks include:

a. REVIEW INPUT FROM PLANNING/PIR. This task is performed by the Design Operation Engineer (DOE) and the Project Delivery Team members which include an Environmental Staff (ES) representative. They review the project information developed during the earlier Planning and Programming activities to understand the project features (location, termini, general scope of work, purpose and need, etc.) and related environmental issues that helped place the project in the Program of Projects (Transportation Improvement Program). This information is commonly found in the Project Identification Report (PIR).

b. COORDINATE WITH PARTNER AGENCIES. The DOE and ES are to establish working level communications and coordination with the partner agencies who are directly involved/responsible for the project. For Forest Highway (FH) projects, this commonly is the Forest Service (FS) [Forest Engineer, District Ranger, etc.], State Department of Transportation (State DOT), and the road owner (County and/or State DOT). In other categories of the Federal Lands Highway Program the involved/responsible agencies will vary.

This task normally involves a face-to-face meeting (early coordination meeting) with the partner agencies and a field trip to the project to collectively review the project site and the past and current project information. Any project changes from the planning phase are discussed and the direction is set for the future project development activities. For simple minor projects being processed with a Categorical Exclusion (CE), the early coordination meeting may not be necessary, if other communication is effective.

c. ESTABLISH SEE TEAM. The WFLHD uses an interagency, interdisciplinary team to guide project development activities and ensure the social, economic, and environmental (SEE) effects of the project are fully addressed. The SEE Team is a decision-making body that acts on behalf of their agencies to coordinate and share project level activities and reach a consensus on major project decisions.

The WFLHD DOE establishes the SEE Team in cooperation with the partner agencies. The SEE Team is composed of representatives from the Federal Land Management Agency, (usually the Forest Service), the State DOT, the County (if the road is under county jurisdiction), and WFLHD. Other interested agencies, organizations, or groups may also become team members or just participate in an advisory capacity. Agencies can have multiple members, but they should vote as one agency. The WFLHD DOE and a WFLHD ES representative are to be SEE Team members with the DOE chairing the team.



More specific details of the SEE Team and its roles, responsibilities and procedures are contained in [Figure E](#).

d. **IDENTIFY ENVIRONMENTAL ISSUES, CONCERNS, AND DATA NEEDS.** Uncovering a project's environmental issues, concerns, and data needs is a continuing process that starts in Planning and extends into post-construction. The major effort occurs in the Scoping activity when the DOE and ES review the environmental information collected in the PIR and then systematically update and supplement it with more current, complete information. This involves making contacts and inquiries with other interested/affected agencies and publics, and conducting field reviews. The environmental portion of the Project Checklist should be used as a guide in this early coordination activity as the project issues are being defined.

e. **VERIFY SCOPE, PURPOSE AND NEED.** Through early coordination and data analyses with affected, interested agencies and publics, the project scope (nature of work), its intended purpose, and the needs to be addressed should be reviewed, refined as needed, and documented. All major changes in a project's scope, schedule, and costs are to be cycled back to the program agencies for approval action as described in the PIR manual.

Usually, the first task of the SEE Team is to review the PIR, other related planning/program information, and results from recent site inspections to verify or revise the project's basic scope, purpose and need to ensure they address the current project situation/condition. This task is mostly technical in nature and uses the results of the preliminary engineering activities that define and quantify the transportation problem(s), and identify the overall scope (nature) of the solution. Any existing transportation/environmental conflicts in the project corridor should be identified as well.

The established scope and purpose and need are not final at this point and these elements may continue to be revised and refined as the National Environmental Policy Act (NEPA) process progresses and more information is collected.

f. **ESTABLISH RANGE OF ALTERNATIVES.** Realistic, reasonable ways (alternatives) for implementing the scope of the project should be identified that will address the purpose and need of the project. Project objectives may even be developed to prioritize the elements in the purpose and need.

Identifying alternatives is a major task of the SEE Team and it mostly involves technical/ engineering/ transportation analyses conducted in the preliminary design phase. The Project Identification Process Manual and Chapter 4 of Project Development and Design Manual (PDDM) defines this technical process and the terms used in describing alternatives.

Alternative solutions provide a basis for comparing the SEE effects of the alternatives to help determine the best balanced alternatives and the least environmentally damaging project alternative.

Depending, in part, on the complexity of the scope, purpose, and need, and the costs and environmental impacts of the possible solutions, numerous alternatives may be identified for further analyses. Projects vary substantially in complexity, cost, and environmental effects, and therefore, the amount and type of alternatives vary as well.

g. **DEVELOP A PRELIMINARY PIP.** Input from the interested, affected publics including other agencies, organizations and the general public is critical for implementing successful transportation planning, project

development, and construction processes. These publics should be given opportunities to provide input, to receive project information, and to participate in decision-making processes.

The SEE Team should develop a Public Involvement Plan (PIP) early in the PD process and adjust it as needed. The plan is to ensure that mechanisms and schedules for interacting with the publics are anticipated, prepared, and implemented by the appropriate SEE Team agencies. The plan is to be customized for the project complexity, SEE effects, NEPA process, and type of affected publics. The plan should also address the public involvement needs of our partner and cooperating agencies.

The Systematic Development of Informed Consent (SDIC) public participation principles and associated communication techniques should be applied as much as possible. The results of the public involvement activities are summarized in the NEPA document.

For Class I and III projects, rather formal public involvement activities, including NEPA document reviews, are required per 23 CFR 771.

Typical PIPs for the three classes of projects are contained in [Figure F](#). Each plan still has to be revised and customized for the individual project and related conditions.

h. DETERMINE PRELIMINARY ENVIRONMENTAL CLASSIFICATION. The project development processes, especially the NEPA requirements, vary depending upon what environmental classification (Class I, II, or III) is designated for the proposed project.

In coordination with the SEE Team, the DOE and ES must review the planning information; the project's scope, alternatives, and purpose and need; related environmental issues, concerns and data; and public input to determine the appropriate preliminary project classification. Each class requires a different type of NEPA document to be prepared.

A Class I project requires the preparation of an Environmental Impact Statement (EIS) document.

A Class II project is recorded in a Categorical Exclusion document.

A Class III project requires the preparation of an Environmental Assessment (EA) document.

Project classification starts in Planning when a tentative preliminary project classification is included in the PIR. During the Scoping activity, project classification is again addressed as more specific project information becomes available. The project checklist prepared in the data collection activity also mentions the proposed preliminary project classification for all classes of projects.

For Class III projects, a signed statement is prepared by the DOE and ES documenting the Class III designation and intent to prepare an EA. An example of this statement is in [Figure G](#).

Project classifications may be revised whenever there is a major change in project scope or in the related environmental impacts. The project classifications are finalized when the required NEPA documents are issued.

Environmental Regulations 23 CFR 771.115 and 40 CFR 1500-1508 provide guidance on classifying projects.

i. **ISSUE PUBLIC NOTICE.** As a part of early project coordination activities, a public notice is issued to all potentially affected publics regardless of the project classification. This alerts them to the start of the project development process and invites their input and involvement. This is usually the first step in the PIP and the notice asks for (1) comments on the project scope, and purpose and need; (2) alternatives related SEE effects; and (3) potential permits.

The public notice is prepared by the DOE and ES and is published in two to three general circulation (daily or weekly) newspapers in the project area, as well as sent to any known publics.

Examples of a public notice are contained in [Figure H](#) along with preparation and processing guides. Each public notice to be published in a newspaper is assigned a sequential number that is used for accounting purposes. There is also a standard cover letter to be prepared.

j. **DEVELOP MAILING LISTS.** Developing mailing lists of interested, affected publics is an important early step in public involvement. This facilitates and systematizes communication with the publics and provides a good record of interaction and distribution of information.

The DOE and ES should obtain existing mailing lists from partner agencies and amend them to better address the publics associated with the project and its corridor, including the landowners. The project mailing list should be updated as new publics become involved.

k. **ESTABLISH AGENCY ROLES, SCHEDULES AND BUDGETS.** After establishing the SEE Team, it is important that all the involved agencies/representatives understand their project roles, the schedule of activities, and project budgets.

Each project can have a different mix of agency responsibilities and financial commitments and these should be documented in formal Project Agreements prepared by the DOE. As the project develops, more specific environmental responsibilities, including possible post-construction environmental monitoring and roadside protection should be added to the Project Agreement as well.

In addition, the DOE with ES input should use the Program and Resource Management Systems (PRMS) to establish specific environmental resource needs and schedules to effectively interact with the other project development activities.

l. **ESTABLISH COOPERATING AGENCIES.** During the project scoping process, agencies who have a special interest, expertise, jurisdiction, or permit responsibility for the proposed project are to be identified by the SEE Team. These agencies should be closely coordinated with throughout the PD process. In some cases they may want to become more closely involved in the project (e.g., members of the SEE Team) and this should be done by first designating them as Cooperating Agencies.

In most states, a NEPA/Section 404 Merger Process has been established among FHWA, State DOT, State/Federal Resource Agencies, and the U.S. Army Corps of Engineers to facilitate project coordination and permit approvals. WFLHD projects, starting with the scoping activity are to be coordinated through that State's Merger Process. Coordinating a project through the Merger Process may reduce the need to establish Cooperating Agencies with those agencies affected. The DOE and ES have copies of the State Merger Processes.

2. **DATA COLLECTION AND ANALYSIS (For Class III - EA Projects).** The data collection and analysis activity is a critical part of the environmental process and it usually takes the longest time and effort

to conduct. Data on environmental resources is collected and studied to provide a scientific and analytical basis for evaluating impacts of design alternatives. Opportunities to avoid or minimize impacts are identified and incorporated into the design alternatives. Mitigation for unavoidable impacts are identified and developed, and compliance with environmental laws is addressed. The major tasks include:

a. CONDUCT SURVEYS ON POTENTIALLY AFFECTED RESOURCES. The ES is responsible for this task. This task requires a thorough review of the project area and design alternatives to identify potentially affected resources and the scope of required surveys. A list of typical environmental resources that need to be considered is provided in Chapter 3 of the PDDM. Environmental consultants or specialists from other agencies are normally contracted to conduct the surveys.

b. CONDUCT ENVIRONMENTAL IMPACT ANALYSIS. The SEE Team is responsible for this task. This task requires a systematic interdisciplinary analysis to determine type, location, and significance of environmental impacts resulting from the proposed alternatives. The analysis is based on information collected through environmental studies and coordination with the public and government agencies. Both context and intensity must be considered when determining significance as described in 40 CFR 1508.27.

c. PREPARE PROJECT CHECKLIST. The Project Delivery Team is responsible for preparing the Project Checklist. The Project Checklist is a combined engineering and environmental document that contains updated project information from the PIR, input from early public involvement efforts, and the results of engineering and environmental studies completed to date. In addition to background information and the project purpose and need, the Project Checklist also describes the alternatives being considered, provides a preliminary evaluation of the environmental effects of those alternatives, and estimates which permits may be needed.

The Project Checklist may be distributed as part of the PIP Public distribution of the Project Checklist provides an opportunity for the publics which may be affected by the proposed action, or which may have regulatory administrative interest, such as permit agencies, to become more involved in the project development process. The Project Checklist becomes the principal input to the future NEPA document and highway design activities. Depending on the intended use of the Project Checklist, the sensitivity of the project, and the project classification, the format and detail of information included may vary. Examples are provided in [Figure I](#).

Upon completion of the Project Checklist and associated public involvement efforts, the SEE Team should review the potential environmental effects identified in the Project Checklist and public input received to date to determine if the preliminary environmental classification is still appropriate. If it is necessary to change the environmental classification, project development activities and schedule should be revised accordingly.

d. SELECT PREFERRED ALTERNATIVE. *Categorical Exclusion and Environmental Assessment (Class II and Class III)*. The SEE Team selects the preferred alternative. A preferred alternative is selected based on how well the alternative meets the purpose and need balanced against the associated environmental impacts of the alternative, economics, and public input. Some environmental laws such as 4(f) may preclude selection of an alternative if other feasible and prudent alternatives exist.

e. DEVELOP CONCEPTUAL MITIGATION FOR IMPACTS. The Project Delivery Team in coordination with the SEE Team is responsible for this task. Mitigation for unavoidable adverse impacts (both significant and non-significant) must be identified in the NEPA document and incorporated into the project [23 CFR 771.105(d)]. As part of the project, mitigation can also be implemented before or after construction through reimbursable agreements with partner agencies. The CEQ regulations (40 CFR 1508.20) describe some

of the methods for mitigating impacts. Impacts to some sensitive resources, such as wetlands, must be mitigated in accordance with Federal and State laws, and Executive Orders.

It is important that preliminary design work for some types of proposed mitigation (i.e., wetland development) be performed at this time to ensure that the mitigation is feasible to implement and has a reasonable chance for long-term success.

In addition to mitigation of adverse effects, it is FHWA policy to seek opportunities to go beyond traditional project mitigation efforts and implement innovative enhancement measures into transportation projects (FHWA Environmental Policy Statement, 1994).

Enhancements can have very positive effects to the overall environment in the road corridor and they can help build good relationships with affected publics. The WFLHD enhancement efforts need to be closely coordinated with the SEE Team and other affected agencies and publics to determine if and when enhancements are suitable for the project.

f. **MAKE/FOLLOW-UP PUBLIC CONTACTS AND AGENCY COORDINATION.** The Project Delivery Team is to maintain communications with the publics, and affected agencies including permit agencies that have expressed interest in or have contributed to the development of the project to date. Communications should include such information as major changes to project alternatives, additional impacts to resources, relevant public or agency input, or revisions to project schedule or classification. For small CE projects, this coordination may be relatively minor.

The NEPA/Section 404 Merger Process in each state may also prescribe certain coordination steps for affected projects needing individual Section 404 permits.

g. **COMPLETE COMPLIANCE WITH OTHER ENVIRONMENTAL LAWS.** The ES is responsible for this task.

It is the policy of the Federal Highway Administration, that to the fullest extent possible, all environmental investigations, reviews, and consultations be coordinated as a single process, and compliance with all applicable environmental requirements, including permits, be reflected in the environmental document (23 CFR 771.105).

Guidance for EAs is provided in 23 CFR 771.119(g). It states that the EA should document compliance with all applicable laws and Executive Orders, or provide reasonable assurance that their requirements can be met.

Further guidance for EAs is provided in T 6640.8A (Section II). It states that if full compliance with other environmental laws, executive orders, or related requirements is not possible by the time the Finding of No Significant Impact (FONSI) is prepared, the documents should reflect consultation with the appropriate agencies and describe when and how the requirements will be met.

The ES should coordinate with the DOE, Legal Counsel, and Senior Environmental Engineer when full compliance with other environmental requirements cannot be obtained and recorded in the NEPA documents. At a minimum, a “determination of effect” for all resources should be included in pre-decisional NEPA documents (EA, DEIS) and concurrences from outside agencies (required to complete compliance with such laws as the Endangered Species Act (ESA) and the Historical Preservation Act (HPA) should be obtained prior to signature of decision documents [CE, FONSI, Record of Decision (ROD)].

**3. DOCUMENTATION (FOR CLASS III - EA PROJECTS).** The documentation phase of the EA process is when all pertinent information about the project and the preferred alternative is recorded in a “document” that can be reviewed and commented on by others including the public. The document need not be exhaustive. “Impacts shall be discussed in proportion to their significance.” (CEQ Regulations - 40 CFR 1502.2)

Though these definitions mention a *draft* EA, technically there is not a draft and final document. There is an “EA,” written for public and private review and comment. At the conclusion of the comment period, changes are made, an Amended EA is published and becomes the document upon which a FONSI decision is made. Unless otherwise noted, all activities during the documentation phase are the responsibility of the ES in coordination with the DOE.

a. **PREPARE DRAFT EA AROUND THE PREFERRED ALTERNATIVE; INCLUDE A 4(f) EVALUATION CHAPTER IF REQUIRED.** The ES assisted by the Project Development Team and in coordination with the SEE Team, will develop the EA per 23 CFR 771.119 and FHWA Tech. Advisory T6640.8A, Section II (the EA may be developed by an Architectural & Engineering Consultant, with an ES as the Contracting Officer's Technical Representative). Information for the EA will be drawn from various resource studies which are done by “resource experts” during the “Data Collection” Phase. These studies typically include those identified in the Data Collection & Analysis Section and from Chapter 3 of PDDM and applicable engineering studies.

The EA will generally be around 50 to 100 pages and include chapters on (1) Description of the Proposed Action, (2) Purpose and Need, (3) Alternatives Considered, (4) Setting - Environmental, Social and Land Use, (5) Impacts; and (6) Public Involvement and Review. Include a 4(f) evaluation chapter if required. Writing of the document will typically take 3 to 6 months, depending on the complexity of project issues (Section 4(f)-49 U.S.C. 303 is defined in 23 CFR 771.135).

The EA will normally identify the preferred alternative, with a full disclosure of impacts for implementing this alternative. Other alternatives considered are mentioned and a reason given for their rejection. Full disclosure information on all alternatives is not required, unless the project is elevated to an EIS.

b. **OBTAIN ACCEPTANCE OF DRAFT EA THROUGH SEE TEAM.** Once the EA is completed to the satisfaction of the Project Development Team, copies of the document are distributed to all SEE Team members for their review and comment. Resolution of comments is best resolved in a full SEE Team meeting so issues can be clearly and openly resolved.

c. **CIRCULATE DRAFT EA FOR INTERNAL AND DERT REVIEWS.** After review comments, discussions and coordination of issues are completed with the SEE Team, the EA is revised accordingly and distributed for a two-stage review to the “technical” and “compliance” WFLHD reviewers. The reviewing technical disciplines include Hydraulics, Geotech, Bridge (if major structures present), the DOE, COE, and Branch Chief. The compliance reviewers are the Division Environmental Review Team (DERT). The review comments from the technical experts shall be incorporated into the document, or at least available, prior to distributing the document for compliance review. See [Figure K](#) for the DERT review process.

d. **DIVISION ENGINEER TO APPROVE EA FOR CIRCULATION TO PUBLIC.** After the internal review comments are considered and document revisions completed, the document is prepared for approval by the DE. The DOE shall obtain comment and approval recommendation from the DERT prior to submittal for DE signature. The DOE then submits the document with the DERT comments and recommendations through

the Branch Chief to the DE for signature on the document title page. The DOE and ES should be prepared to brief the DE on any important, significant or unusual issues in the EA.

e. **ISSUE PUBLIC NOTICE OF EA AVAILABILITY** [23 CFR 771.119 (D), (E)&(F)]. “Public Notices” are prepared for publishing in a general circulation newspaper that serves the project area. It may take two or three papers - daily and weekly, to adequately cover the area. A second public notice, customized for the project mailing list, is also sent directly to the affected “publics” who would not normally receive the EA.

See [Figure H](#) for Public Notice procedures and samples.

f. **DISTRIBUTE EA TO PUBLIC/AGENCIES; IF 4(f), INCLUDE REQUIRED AGENCIES FOR COMMENT.** The EA is distributed to Federal, State and local governmental agencies and libraries in the project area so it is available for public viewing at three to five locations. The EA is also distributed to other Federal, State, and local agencies who may be affected or interested in the project, as well as to utility companies impacted by the project. Involved and interested citizens, specifically those that will be affected by Right-of-Way negotiations, should receive a copy but it need not be distributed to the entire mailing list. Normally allow a minimum of 30 days for comments.

g. **HOLD PUBLIC MEETING OR PROVIDE OPPORTUNITY FOR PUBLIC MEETING/HEARING** [23 CFR 771.119 (E)]. Public meetings are not required for EA’s but are frequently held. Public meetings should be customized to the project needs. Public Hearings fulfill a specific legal need and must follow the requirements described in 23 CFR 771.111. If a public meeting will be held, it should be noted in the public notice described above. The EA should be available for review at least 15 days in advance of the public meeting.

The PIP should include other kinds of “public” meetings with citizen groups, county commissioners, home owners groups, etc. to make sure the project receives adequate public exposure and feedback.

h. **ADDRESS ALL COMMENTS.** The comment period should remain open for at least 10 days after a public meeting or public notice is published. When that period expires, all comments should then be addressed and the EA revised accordingly. There are no specific methods to make changes but recommended way(s) have been developed and are shown in PDDM, Chapter 3, Exhibits.

Responses to written comments should be individually addressed. The written comment and response are included in a Chapter titled “Public Involvement and Review.” Recommended response methods are shown in the above referenced appendix.

Written comments from elected public officials and other appropriate commenters should be acknowledged by return correspondence detailing WFLHD’s response.

i. **PREPARE AN AMENDED EA** After all comments are discussed and addressed, the EA is amended to reflect FHWA’s response to comments. Any new information identified that is critical to the project should also be added. Changed and/or added information should be so noted with an “amended” date shown on the page. If comments and changes are extensive, the entire EA should be republished as an amended document. If changes are minor, say less than 10 pages, then just the changes can be published as an “amendment to” the document. Enough copies should be made to handle the expected distribution plus a minimum of 25 extra for future needs.

4. **DECISION (EA/FONSI, Class III - EA Projects)** The decision activity is a major milestone in the environmental process and is the culmination of the preliminary design phase. For Class III projects, it consists of documenting the decision that the impacts of the project, as presented in the EA, are not significant. The decision constitutes location approval and commits the project to specific mitigation. Once the decision document FONSI is signed, the intermediate design phase can begin. If the decision finds there are significant impacts, then an EIS should be prepared.

a. **DETERMINE IF FONSI IS APPROPRIATE OR RECLASSIFY PROJECT.** The SEE Team is responsible for this task. If, after completing the Environmental Assessment process, it is determined that there are no significant impacts associated with the project, a FONSI is appropriate. If, at any time, a significant impact that cannot be mitigated to less than significant is identified, an EIS must be prepared.

b. **AMENDED EA & DRAFT FONSI INCLUDE FINAL 4(f) EVALUATION IF NEEDED; CONDUCT INTERNAL & SEE TEAM AND DERT REVIEWS.** The ES is responsible for this task. An FONSI that incorporates by reference the Amended EA, and other appropriate environmental documents, is drafted. A sample of the language used for a FONSI can be found in Technical Advisory T6640.8A (Section II). A FONSI format and Sample document are provided in [Figure M](#).

Prior to obtaining signatures on the FONSI, the document is distributed for internal, SEE Team and DERT review in accordance with the process defined for reviews of the draft EA.

c. **DE TO APPROVE FONSI (LOCATION APPROVAL).** The FONSI is signed by the DOE, the PD Branch Chief, and the Division Engineer. Signature of the Division Engineer constitutes location approval. The intermediate design phase which includes such activities as ROW acquisition may begin.

d. **ISSUE PUBLIC NOTICE ANNOUNCING THE FONSI AND AVAILABILITY OF THE AMENDED EA.** The ES is responsible for this task. Repeat the distribution process used to notify the public that the EA was available. Coordinate with the next task.

e. **DISTRIBUTE COPIES OF THE AMENDED EA/FONSI TO APPROPRIATE PARTIES.** The ES is responsible for this task. The FONSI is inserted separately behind the cover of the Amended EA and both are distributed in the same manner as the original EA. Copies of the Amended EA/FONSI should also be sent to those publics that commented on the EA.

5. **MITIGATION/FOLLOW-UP (Class III - EA Projects).** Mitigation and follow-up activities are the final steps in the environmental process to ensure that prior commitments are implemented. Field reviews and design coordination are conducted throughout the design process. Mitigation and monitoring plans are finalized and preconstruction mitigation (such as cultural resource recovery) is carried out before the ground is disturbed. The PS&E package is reviewed and signed, and post-construction follow-up is in place. Successful mitigation (for both the short- and long-term) helps to foster trust with the public and the resource agencies and may help smooth the permit process for future projects. The major tasks for mitigation/follow-up are as follows:

a. **PARTICIPATE IN DESIGN REVIEWS.** The ES contributes to the development of project design and attends office and field reviews throughout the design phase as needed. Adjustments are identified and recommended throughout the design phase to minimize impacts to critical environmental areas such as wetlands, cultural resource sites, or sensitive plant and animal habitats. The ES assists the designer in incorporating environmental issues into the design. The ES invites permit agencies to attend field reviews which may ease acquisition of permits. The ES must also be alert for changes in conditions between the NEPA stage and final



design, such as newly proposed T & E species, new regulations, or substantial changes in environmental costs. The ES must also be able to explain design details to the resource agencies and the public. By participating in project design reviews and meetings, environmental issues are coordinated with construction personnel who are involved in these same activities. This includes providing copies of the NEPA documents and mailing lists to the “hold” file, participating in the preparatory discussions for the preconstruction conference, and attending joint design construction reviews during construction.

b. **FINALIZE IMPACT MITIGATION PLANS/MONITORING PLANS.** The ES gathers information from the resource or permit agencies and coordinates with the WFLHD’s design and technical staff and external partners. Information is used to develop the details to implement the environmental mitigation measures required as part of the NEPA and permit processes to offset project impacts to resources. Mitigation measures may be grouped into plans for providing a comprehensive, detailed approach for mitigating impacts to certain resources. Wetlands, cultural resources, and revegetation are common areas for which project-level mitigation plans are prepared. It is essential that the detailed mitigation satisfactorily address and implement conceptual mitigation measures. The mitigation plans or measures are then included in the highway contract, developed as a separate contract, or sometimes implemented by others (i.e., FS, partner agencies, or resource agencies).

Sometimes, the environmental mitigation measures require formal monitoring during or after construction to ensure their effectiveness in eliminating or reducing impacts. Monitoring requirements are commonly documented in a comprehensive, detailed plan. The provisions of the plans are incorporated in the contract or assigned to WFLHD personnel or others for execution. Erosion control, water quality, and revegetation are common areas that receive formal monitoring. The results of monitoring are shared with resource and permit agencies as required. The environment may be enhanced in a way that is not required to mitigate project impacts, but the enhancement may foster good relationships with the general public or partner agencies (for more details on enhancement, reference the 1994 Environmental Policy Statement brochure).

c. **IMPLEMENT PRECONSTRUCTION MITIGATION COMMITMENTS.** Preconstruction mitigation must be completed before the ground is disturbed by construction activities. Protection and recovery of cultural resource sites or artifacts is a common form of this type of mitigation. Additionally, wetland mitigation is sometimes required before construction begins. Preconstruction mitigation must be conducted by the ES early enough in the process to allow time for completion before construction begins, but also far enough along so that design details are known and impacts are clearly understood.

d. **REVIEW/SIGN-OFF OF PS&E.** The ES reviews the contract PS&E package prior to advertisement to ensure that the proposed action has not changed from the NEPA approval stage and that the environmental mitigation and permit stipulations discussed in the NEPA document and the permits are included. The ES also signs the PS&E Assembly and Review (WFLHD-2) form to indicate the project is ready for advertisement from an environmental standpoint or lists the conditions that should be addressed or completed before it is ready.

e. **POST-CONSTRUCTION FOLLOW-UP.** Mitigation follow-up can occur during and after construction. Post-construction follow-up should be routinely performed in coordination with WFLHD's Design, Construction, and other technical personnel to gain an understanding of the successes and failures of mitigation. Follow-up also serves as a valuable learning tool for future projects. Follow-up may include activities that go beyond PS&E commitments, such as site visits, phone calls, and invitations to resource and partner agencies to participate in follow-up reviews.

f. **UPDATE PROJECT AGREEMENT TO CONTAIN POST-CONSTRUCTION MITIGATION/MONITORING COMMITMENTS.** It may be necessary to update the project agreement in coordination with

the DOE to include post-construction mitigation or monitoring commitments. Changes should be noted in the agreement and new copies routed to the involved partner agencies.

g. **REEVALUATE NEPA/ENVIRONMENTAL DOCUMENTS.** The ES reevaluates the environmental documents to make sure that the project has remained unchanged and that the level and type of impact and related mitigation is still accurately reflected. Documents may also need to be reevaluated if their shelf life has expired. Formal Reevaluations are required for EIS's within 3 years of approval if major steps to advance the project have not occurred, as described under Section 771.129. For details regarding reevaluations for EIS, EA, and CE documents, please see (a), (b), and (c) of this section. Formal Reevaluation is a structured process and includes the approval signatures by the appropriate officials who signed the document. See [Figure N](#) for guidelines on how to prepare a Reevaluation Document.

6. **PERMITS (Class III - EA Projects).** Permits may be required at the local, state, and federal level for project activities. Violation of the terms of the permit may result in fines and/or a suspension of construction activities until the violation is resolved. The permit process is a joint effort among internal and external partners and the ES. The process usually involves filling out and submitting applications, paying application fees (if applicable), and ensuring that the permit conditions are carried out on the ground. The major tasks of the permit process are as follows:

a. **PREPARE AND SUBMIT PERMIT APPLICATIONS.** The ES gathers data from all sources (design, technical services, external partners, Project Checklist, NEPA documents) to fill out permit applications for required permits. The types of permits needed varies widely among projects depending upon the type of resource affected and the level of impact anticipated. Federal permits commonly required for water-related impacts are issued from the Corps of Engineers (401 and 404 permits) and from the Department of Environmental Quality or Environmental Protection Agency (National Pollutant Discharge Elimination System permits). Permits required at the state level are state-specific, but may include Stream Alteration and Water Quality Permits. A complete list of permits needed on a state-by-state basis is included in the Appendix. The timeframe required to obtain permits varies widely and is dependent on how accurate and thorough the application is, the level of public involvement, the complexity of the project, and the level of mitigation required. Permits generally require at least 3-5 months to obtain, but can sometimes take a year or more. It is helpful to ask for permit application forms and instructions from each permit agency and to follow through with a phone call to talk through each of the questions on the application to ensure that the correct information is supplied the first time. Incorrect or missing information greatly slows down the permit process. Each permit must be signed by the appropriate WFLHD official.

Permits have lifespans that vary in length. The ES should strive to obtain permits that are valid for the duration of the project. If this is not possible, the issuing agency should be contacted to ensure that there is a clear understanding of how to extend the permit if necessary. If a permit expires before the permitted work is completed, a permit renewal must be obtained from the issuing agency. The ES and Project Engineer are jointly responsible for ensuring that permit renewal needs are identified early. The ES is responsible for obtaining the permit renewal. Permit renewals may require just a phone call or may require an additional annual fee until the permitted work is completed.

The NEPA/404 merger process is an attempt to streamline project development activities by bringing the resource and permit agencies into the process at a very early stage to avoid pitfalls and "surprises" late in the design process. This process only applies to projects that need individual Corps 404 permits. The WFLHD is committed to using the merger process established by the resource, permit, and DOT agencies from each state.

b. **COORDINATE PERMIT ACQUISITION.** The ES contacts the resource agencies shortly after the application is mailed to ensure the application has been received, and periodically thereafter, to nudge the resource agencies along and to supply information as needed. The point of contact for permit questions is the ES.

Permit fees are sometimes required (especially for water quality permits). If under \$2500, a permit fee can be initiated with a Purchase Order or paid with a check from a government credit card. Permits will not be issued until payment has been received in full.

c. **COORDINATE PERMIT STIPULATIONS.** The ES checks the PS&E package to see if the permit stipulations have been addressed. Once the project goes to construction, the ES works with the Project Engineer to ensure that the permit conditions are implemented and working as agreed to. If the scope of the permitted work changes during construction, the Project Engineer notifies the ES. The ES contacts the resource agencies and determines the appropriate course of action. Post-project monitoring of the site may span several years. The terms of the permit may require that a monitoring report be developed each year for 3 to 5 years post-construction to determine if the mitigation is successful or not. If the mitigation is unsuccessful, additional mitigation may be needed. The ES is responsible for making sure that the monitoring report is completed and sent to the appropriate resource agencies.

WFLHD ENVIRONMENT PROCESS  
 SUPPLEMENTAL PROCEDURES  
 LIST OF FIGURES  
 December 7, 1999

<u>FIGURE</u>	<u>SUBJECT</u>	<u>STATUS</u>
<a href="#">A</a>	EIS Flow Chart	Done
<a href="#">B</a>	CE Flow Chart	Done
<a href="#">C</a>	EA Flow Chart	Done
<a href="#">D</a>	WFLHD Project Environmental Roles and Responsibilities	Done
<a href="#">E</a>	SEE Team Procedures	Done
<a href="#">F</a>	Public Involvement Plans (3)	Yet to Do
<a href="#">G</a>	Class III Project Classification Form	Yet to Do
<a href="#">H</a>	Public Notice - Procedures/Examples	In draft form (not included)
<a href="#">I</a>	Project Checklists Examples	In draft form
<a href="#">J</a>	Distribution List for NEPA Documents	Yet to Do
<a href="#">K</a>	WFLHD Implementation Procedures for EIS Operation Plan with Five Review Checklists	Done Yet to Do
<a href="#">L</a>	CE Procedures/Examples	Done
<a href="#">M</a>	FONSI Procedures	Done
<a href="#">N</a>	Reevaluations	In draft form (not included)
<a href="#">O</a>	State Permits Lists	In draft form

NOTE: "Yet to Do" means these documents have not yet been prepared by the Environmental Process Review Team. It is anticipated that all figures will be in final format as of July 2000.

Figure D

# WFLHD Project Environmental Roles and Responsibilities

## For Major Actions/Documents/Decisions

January 1999

Env. Staff	Designer	DOE	COE	PD Branch Chief	Senior Env. Eng.	Legal Counsel	DERT	Division Eng.
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### Scoping

Coordinate tasks	C	C	C			O		
Public Involvement Plan	C	C	C			O		
Preliminary Env. Class	C	O	C		A	R*		
Participate as SEE Team Rep.	C		C					

### Data Collection/Analysis

Technical Study Reports	C/R/A	O	O			O		
Project Checklist	C	C	C/A		O	R	O	
Preferred Alternative	C	C	C/A		O	O		O
Agency/Public Coordination	C	C	C			O		

### Documents/Decisions

Categorical Exclusion	C	O	R	O	R	R	R		A
4(f) Evaluation	C	O	C/R		R	O	**	R	A
Environmental Assessment, EA/4(f)	C	C/R	C/R	R	R	O		R	A
Amended EA, EA/4(f)	C	C/R	C/R	R	R	O	**	R	A
FONSI	C	O	R		R	O		R	A
DEIS, DEIS/4(f)	C	C/R	C/R	R	R	O		R	A
FEIS, FEIS/4(f)	C	C/R	C/R	R	R	O	**	R	A
ROD	C	O	R	R	R	O		R	A
Programmatic 4(f)	C	O	C/R		R	O		R	A

### Mitigation

Mitigation Plans	C/R	C/R	R/A	O	O	O			O
Design Reviews	C	C	C	O	O	O			
Reevaluation	C	R	R		O	R	R		A
Project Agreement	R	R	C		O				A
PS&E Review	R	C	R	R	R	O	R		A
PS&E Rating				C		C	C		

### Permits

Applications	C	C	R/A			O	O		A***
Coordination	C	O	R			O			
Stipulations	R	R	R	R	O	O			

**C** = Conducts/Prepares  
**R** = Required Review  
**O** = Optional Review/Input  
**A** = Approves (may or may not require signature)

**\*** = For EIS  
**\*\*** = Legal Sufficiency Review for final 4(f) and FEIS  
**\*\*\*** = For NPDES Permits  
**DERT** members include Legal Counsel, Senior Environmental Engineer, and DQS Engineer.

Figure E  
**SEE Team Guidelines**  
Western Federal Lands Process

When it is the lead Federal Agency for environmental compliance, Western Federal Lands Highway Division (WFLHD) is required by the National Environmental Policy Act (NEPA) to fully assess project impacts on the natural and man-made environment using a coordinated, systematic, interdisciplinary approach. To assist WFLHD an interagency interdisciplinary coordination team is established to direct and oversee the project development activities including environmental studies, report preparations, and various approvals needed for NEPA compliance and associated environmental requirements. The team also guides the engineering, right-of-way, and public involvement activities. This team is identified as the SEE (social, environmental, economic) Team.

**SEE Team Procedures**

The SEE Team is established early in the project development process. The core team is normally made up of project level and mid-management representatives from the land management agency (usually the Forest Service for Forest Highway projects), the road maintaining/operating agency (usually the state or county) and the WFLHD. Other agencies and/or groups that are directly affected by the project may also be invited to “complete” the team.

To establish a team, WFLHD’s DOE requests the partnering or impacted agencies (County and Forest Service), to designate one or more members who can address the primary issues the project will encounter and participate in project level decisions concerning transportation issues, road improvement alternatives and environmental impacts. The intent is to compose a team of multiple disciplines so all environmental and engineering elements and any other major interests in the project receive balanced consideration. Input and participation from other agencies, organizations or groups may be solicited to complete SEE studies where special expertise is required, but these participants do not normally become SEE Team members that get involved in the project decision making process.

A SEE Team is required on all projects where WFLHD is lead agency. On simple Class II, Categorical Exclusion (CE) projects they may be used in a more informal process. The team is chaired by the WFLHD representative, normally the Design Operations Engineer (DOE), since WFLHD is the lead agency for environmental clearance. The Environmental Staff person may be a team member and can serve the chair role, as delegated by the DOE. Other agencies may also have multiple representation on the SEE team, but should speak with one “agency” voice. The agency SEE Team member should have the ability and authority to call on available expertise within their agency as requested by the SEE Team.

### **SEE Team Roles and Responsibilities**

The SEE team is responsible for overall project management through the project development process from finalizing the “purpose & need”, identifying alternatives, evaluating SEE impacts and required mitigation, selecting a preferred alternative and assuring the design is developed that incorporates all agreed on elements.

Those responsibilities more specifically are as follows:

- C Review the Project Identification Report (PIR) to become familiar with the project, its needs and deficiencies, potential public controversy and sensitive environmental issues;
  
- C Develop a Public Involvement Plan that steers the early project development activities such as scoping meetings, public participation opportunities, media involvement needs and multi-agency meetings;
  
- Develop a consensus on all major project development activities. Agreements can be reached by formal voting or informal consent as determined by the team.
  
- C Steer the project design development activities such as internal and external project design reviews and interagency meetings;
  
- C Identify and evaluate impacts of various alternatives and refine engineering solutions to minimize impacts;
  
- C Serve as the principle contact on behalf of their respective agency for project development activities;
  
- C Commit their agency to a course of action concerning project alternatives, environmental mitigation, and potential project enhancements;
  
- C Request needed and available disciplines within their agency, depending on the type of project and associated impacts, to conduct environmental analysis of various alternatives;
  
- C Complete detailed reviews of draft and final environmental documents;
  
- C Recommend a preferred alternative to the WFLHD Division Engineer.
  
- Participate in intermediate and final design reviews.

For further clarification and explanation of FHWA, SEE Team activities, refer to Project Development and Design Manual (PDDM), Chapter 3.

**Figure F**  
Public Involvement Plans

< *Yet to Do* >



**Figure G**  
Class III Project Classification Form

< *Yet to Do* >

**Figure H**  
Public Notice

< *Yet to Do* >

**Figure I**  
Project Checklist Examples

ERFO Project Checklist  
FR 39 North Sites  
Wallowa - Whitman National Forest  
January 1998

Project Checklist  
Haystack Reservoir Road  
Oregon Forest Highway Route 96  
Jefferson County  
June 1991  
(Check with Environmental Staff for a copy)

Project Checklist  
Salmon River Road  
Idaho Forest Highway 60  
September 1998  
(Check with Environmental Staff for a copy)

## ERFO ENVIRONMENTAL CHECKLIST

<i>Project Name:</i> FR 39 North Sites		<i>Prepared By:</i> Brian G. Allan		<i>Date:</i> 1/30/98	
<i>Route Id:</i> OR FS ERFO 97-12(2)		<i>State:</i> OR		<i>Forest/Reservation/BLM District</i> Wallowa-Whitman National Forest	
<i>Brief Project Description:</i> Remove debris, reconstruct road prism, armor fills with riprap, replace drainage structures, and surface roads.		<i>Repair</i>		<i>Reconstruct</i>	
				X	
<i>Purpose of Project (improve safety, restore access, structural stability, etc.):</i> restore pre-flood access along the FR 39 corridor. The road is currently closed due to road damage resulting from record floods in January 1997.					
<i>Contact</i>	<i>Name</i>	<i>Address</i>		<i>Phone</i>	
Forest Service	Herb Holthoff	Baker City, OR		541-523-6391	
	Dennis Knapp	Enterprise, OR		541-426-5654	
NMFS	Rick Edwards	Boise, ID		208-37-5645	
Corps of Engineers	Jim Anderson	Portland, OR		503-326-7730	
ODSL	Bob Brown	Bend, OR		541-388-6112	
FWS	Marilyn Hemker	Boise, ID		208-378-5262	
ODFW	Bill Knox	Enterprise, OR		541-426-4543	
Wallowa County	Ben Boswell	Joseph, OR		541-426-4543	
<i>Related Plans and Documents (Land Management Plans, Transportation Plans):</i> Wallowa-Whitman National Forest Plan					
<b>SIGNIFICANT ENVIRONMENTAL EFFECTS</b>					
<i>Resource/Effect</i>					
A. Soils and Geological Features (erosion, compaction, caves, etc.):		( ) yes		(X) no ( ) maybe	
B. Air (non-attainment area, etc.):		( ) yes		(X) no ( ) maybe	

C. Water (In stream work, regulated flood plain, discharge to surface waters, Wild & Scenic River, coastal Zone Mgmt. Act, etc.):	( ) yes (X) no ( ) maybe
Water related permits have been obtained. A wild and scenic river consistency determination has been provided by the FS for use of the "Y" as a waste area for the project as the "Y" is within 1/4 mile of the Imnaha River. The written determination is on the project files.	
D. Wetlands/Riparian Areas (Area, potential mitigation):	( ) yes (X) no ( ) maybe
All riparian areas within the construction limits have been covered with debris, denuded of vegetation or otherwise heavily damaged by the record flood event. The proposed repairs will move segments of the road out of the floodplain/riparian areas and post-construction mitigation work will accelerate recovery and development of riparian areas.	
E. Flora/Fauna (old growth, fish passage/habitat, threatened/endangered/sensitive, etc.):	( ) yes (X) no ( ) maybe
There are no T&E plants in the project area. Biological Assessments for aquatic and wildlife species have been prepared and coordinated with FWS and NMFS in accordance with the ESA. Extensive coordination with NMFS has been performed to develop project details to minimize effects to fisheries. NMFS concurred with FHWA's finding that the proposed action is "not likely to adversely affect" listed fish species. Mitigation documented in the coordination process will be incorporated into the project. FWS concurred with FHWA's finding that the proposed action is "not likely to adversely affect" the bull trout and that the proposed action would have "no effect" on listed wildlife or plant species.	
F. Land Use (change from/forest or other use, require right-of-way, etc.):	( ) yes (X) no ( ) maybe
The project repairs intermittent sites to restore pre-flood access along FR 39. There are no improvements that would change land use.	
G. Visual (scenic rout, special visual feature, etc.):	( ) yes (X) no ( ) maybe
H. Cultural (archeological, historic, sacred, etc.):	
Ground surveys and literature searches were performed to identify project impacts to cultural resources. The conclusion drawn from the effort was that the proposed action "will have no effect on any listed or potentially eligible heritage resources."	
I. Hazardous Waste (abandoned gas station, mining operation, underground storage tank, etc.):	( ) yes (X) no ( ) maybe
J. Socio-Economic (displacement, employment, etc.):	( ) yes (X) no ( ) maybe
Repairs of the road are viewed as economically vital to the economy of Wallowa and Baker Counties. The repairs will restore pre-flood access.	
K. Noise (sensitive receptor nearby, etc.):	( ) yes (X) no ( ) maybe

L. Transportation (bike paths, detour/delays, accessibility, etc.):	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no	<input type="checkbox"/> maybe
Emergency repairs are being initiated to restore pre-flood access.			
M. Utilities:	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no	<input type="checkbox"/> maybe
N. Recreation:	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no	<input type="checkbox"/> maybe
The transportation facility is a critical element of the recreational opportunities in the area. The project will restore pre flood access to the Hells Canyon NRA.			
O. Public Services:	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no	<input type="checkbox"/> maybe
P. Section 4(f) (public park/recreation area, wildlife/waterfowl refuge, cultural resources, etc.):	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no	<input type="checkbox"/> maybe
The project will restore pre-flood access to the Hells Canyon National Recreation Area.			
Q. Cumulative Effects:	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no	<input type="checkbox"/> maybe
Cumulative effects are expected to be negligible. About 88% of the land in the watershed is federal land. The Eagle Cap Wilderness, Hells Canyon National Recreation Area, and the Imnaha Wild and Scenic River designation severely restrict activities. Additionally, there is a low incident of ongoing and projected activities on federal land and there have been improvements in private land management.			
R. Indirect Effects:	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no	<input type="checkbox"/> maybe
Since there are no improvements within the proposed action that could potentially modify land use, indirect effects from restoring access along an existing road is expected to be negligible.			
S. Public Controversy:	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no	<input type="checkbox"/> maybe
Public meetings held in Joseph, Halfway, and Oxbow indicate a tremendous sense of urgency toward completing repairs.			
The Hells Canyon Preservation Council has filed a complaint in U.S. district Court on the grounds that an EA or EIS should have been prepared alleging that the project would have a significant adverse effect on listed fish species. NMFS and FWS has concurred with FHWA's determination that the project "may affect, but would not likely adversely affect" the listed fish species. Additionally, a substantial post-construction mitigation project has been developed and funded to mitigate project impacts and to improve fisheries habitat in the corridor.			

MAJOR REGULATORY REQUIREMENTS			
<i>Federal</i>	<i>Comments</i>	<i>State</i>	<i>Comments</i>
Clean Water Act, Section 404 Permit	Permit Received	Removal Fill Permit	Permit Received ( )
Section 4(f)	NA		
106 Process	"No Effect"		
Endangered Species Act, Section 7	Coordination completed with FWS and NMFS in compliance with the ESA.		
NPDES	Use Oregon's General Permit		
Wild and Scenic Rivers Act	Consistency determination has been obtained from the FS.		
<p><i>Notes (additional comments, alternatives, mitigation, etc.):</i></p> <p>Damage to FR 39 in the project area resulted from a record rein-on-snow event in late December 1996. High water volumes concentrated in steep channels with saturated surface soils resulted in debris flows that scoured the channels to bedrock and delivered large volumes of soil, rocks, and trees across FR 39 and into Gumboot Creek. FR 39 was also damaged by record flows in Gumboot Creek that eroded the road prism located in its floodplain. Landslides (large slope failures) did not occur. With one minor exception, no signs of past slope movement or slope distress were found. Additionally, overburden soils were found to be shallow and non-plastic. All site information supports the conclusion that the slopes above the road are predominately stable. Therefore, FHWA concludes that the landslide potential in the project area is negligible and that the proposed project will not increase that potential. (Refer to "Gumboot Geotechnical Report, January 1998)</p>			

**Figure J**  
Distribution List for NEPA Documents

< *Yet to Do* >



## Figure K

### **WESTERN FEDERAL LANDS HIGHWAY DIVISION PROCEDURES for implementing the FEDERAL LANDS HIGHWAY OFFICE OPERATIONS PLAN for STREAMLINING the EIS REVIEW and APPROVAL PROCESS**

#### **a.k.a., DERT TEAM PROCEDURES**

**January 1999**

#### **I. Introduction**

The Western Federal Lands Highway Division (WFLHD) functions under the October 1997 Federal Lands Highway Office (FLHO) Operations Plan for Streamlining the Environmental Impact Statement (EIS) Review and Approval Process. The following implementation procedures have been developed to supplement the plan and to provide guidance for incorporating these provisions into the WFLHD environmental process. These implementation procedures affect WFLHD's Environmental Assessment (EA) activities, as well as the EIS and 4(f) processes. The procedures follow the format of the FLHO Operations Plan.

#### **II. Delegation of Authority**

The WFLHD Division Engineer (DE) has the authority to approve all National Environmental Policy Act (NEPA) documents as listed in the WFLHD Project Environmental Roles and Responsibilities Table. The Design Operations Engineer (DOE), Project Development (PD) Branch Chief, and the Division Environmental Review Team (DERT) are responsible for providing approval recommendations for the environmental documents to the DE.

#### **III. Identification of Prior Concurrence Candidates**

At the recommendation of the Senior Environmental Engineer, the DE will consider referring those EIS projects to Federal Highway Administration Headquarters for their determination of prior concurrence responsibilities.

#### **IV. Description of FLHD EIS and Section 4(f) Evaluation Review Procedures**

In addition to following the FLH environmental procedures in Chapter 3 of the Project Development & Design Manual, WFLHD has developed supplemental environmental procedures for this manual to further guide environmental activities. The following WFLHD

procedures for implementing the FLHO Operations Plan are a part of these supplemental environmental procedures:

#### FLHD Environmental Review Team (ERT)

The WFLHD will activate a DERT for every Class 1 (EIS) and Class III (EA) project and for all projects that require the use of 4(f) properties. There will be a minimum of three team members based on the following representation:

- Senior Environmental Engineer (Team Leader)
- Legal Counsel
- Design Quality and Safety Engineer (or a substitute as selected by the Project Development Branch Chief)
- Other technical representatives (as needed and selected by the other three members)

The intent is to have a common core of three members on the DERT which is then supplemented with additional technical members on an “as needed” basis. This will provide increased multi-discipline capabilities depending upon the diversity and complexity of the project.

The Team Leader will establish the DERT when an eligible project has been developed to the point that a DERT action is needed per the WFLHD Project Environmental Roles and Responsibilities Table.

#### FLHD Checklists

The DERT will develop and use formal checklists to guide and record its review of the project environmental documents. The attached WFLHD checklists have been prepared for the Draft and Final EIS, EA, Amended EA, and separate 4(f) documents.

#### Environmental Document Reviews

At the start of each document review, the DERT Team Leader will provide a copy of the complete project environmental document and associated checklist to each team member. A review schedule will be established that normally allows for a minimum of five to ten working days to complete the review.

The review time can be kept low if predraft portions of the document that contain controversial issues are coordinated with the DERT members prior to the formal document review.

The DERT Team Leader will coordinate the review comments among the team members and develop a summary of comments. This summary will be provided to the DOE and PD Branch Chief.

After the DOE has had an opportunity to address the comments, the DERT will review the results and prepare an approval recommendation with comments/conditions as appropriate, and provide this information to the DOE. This information will then be included in the DOE's transmittal of the environmental document through the Branch Chief to the DE for approval action.

#### Document Approvals

The DE will take appropriate project action after considering the DERT comments and recommendations and conferring with the team members as needed. The DOE will inform the DERT team leader of the approval action and the disposition of the DERT comments/conditions. This information will be shared with other team members.

For Final EIS and Final 4(f) documents, the Legal Counsel will submit a Legal Sufficiency Review as required in 23 CFR 771 in addition to the DERT recommendations.

#### **V. Organizational Capacity**

The WFLHD will provide training, as needed, to its employees who participate in the DERT. When other team members are needed, they will be obtained from within FHWA and/or from outside agencies and consultants to ensure an effective, multi-discipline review of the environmental documents can be conducted.

**Figure L**  
CE Procedures/Examples



U.S. Department  
of Transportation

**Federal Highway  
Administration**

WESTERN FEDERAL LANDS HIGHWAY DIVISION  
610 EAST FIFTH STREET  
VANCOUVER, WA 98661-3893  
(360) 696-7700 FAX: (360) 696-7846

(WFLHD Categorical Exclusion Outline)

July 20, 1999

#21100J.AJS

**CATEGORICAL EXCLUSION**  
**For**  
**State, Program, Route Number**  
**Route Name, Termini of Project Segment**

- 1st Part:
- ✓ Identify project (type of action)
  - ✓ List partner agencies and owner agency
  - ✓ Locate the project and describe its termini
  - ✓ Mention the funding program
- 2nd Part:
- ✓ Describe the road's deficiencies and needs
  - ✓ Explain the purpose of the project
- 3rd Part:
- ✓ Describe the proposed course of action including type of work, corridor location, length, roadway width, number of lanes, design speed, surface type, major structures, and any other major features
  - ✓ Reference project checklist for more detail and for other considered but rejected alternatives
- 4th Part:
- ✓ Discuss the agency coordination and public involvement activities
  - ✓ Mention Project Development/Environmental process which was followed, e.g. FLH Nationwide Action Plan
- 5th Part:
- ✓ Highlight any special environmental clearances, issues, studies, mitigation, or important project information received after the checklist was issued
- 6th Part:
- ✓ List permits and any special stipulations (if known at this time)

**Figure L**  
CE Procedures/Examples

- 7th Part:           ✓ Reference categorical exclusion justifications in 40 CFR 1508 and 23 CFR 771.117
  
- 8th Part:           ✓ Document wetlands finding (if project affects wetlands in any way)
  
- Last Part:         ✓ State that a CE Classification has been selected

RECOMMENDED BY:

\_\_\_\_\_  
Design Operations Engineer

\_\_\_\_\_  
Date

CONCURRED BY:

\_\_\_\_\_  
Project Development Engineer

\_\_\_\_\_  
Date

APPROVED BY:

\_\_\_\_\_  
Carol H. Jacoby, Division Engineer

\_\_\_\_\_  
Date

cc:     SEE Team Agencies  
        Construction Operations Engineer  
        Others as appropriate

AJStockman:ap:21100J.AJS  
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**Figure L**  
CE Procedures/Examples



U.S. Department  
of Transportation

**Federal Highway  
Administration**

WESTERN FEDERAL LANDS HIGHWAY DIVISION  
610 EAST FIFTH STREET  
VANCOUVER, WA 98661-3893  
(360) 696-7700 FAX: (360) 696-7846

May 1, 1999

(EXAMPLE)

Refer to: HTS-17.1  
#17799M.AJS

**CATEGORICAL EXCLUSION**  
**For**  
**Oregon Forest Highway 209**  
**Trout Creek Road, Milepost 1.0 to 9.8**

The Western Federal Lands Highway Division (WFLHD) of the Federal Highway Administration (FHWA), in partnership with the U.S. Forest Service (USFS) and Fish County, Oregon, is planning to improve a 14.2-kilometer (km) (9.8-mile) segment of Forest Highway 209, known as Trout Creek Road. The road improvement is on a route owned and maintained by Fish County, and the upper half is located within the Eagle National Forest. The project begins about 1.6 km (1.0 mile) southeast of Goldville at Milepost (MP) 1.0 and extends southeasterly to MP 9.8 just beyond the junction with Forest Development Road 21. This Forest Highway project is being developed and financed as a part of the FHWA Public Lands Highway Program.

Trout Creek Road is a substandard, unsafe, two-lane gravel road that was originally developed as a log haul route. It has minimal design features consisting of a narrow 6.7 meter (m) (22±-feet) roadway width, steep 9 percent grades, and numerous sharp, 30 kilometers per hour (km/h) (20 miles per hour) horizontal curves. The posted legal speed limit is 50 km/h, (30 miles per hour), although most motorists drive faster which contributes to a high accident rate. The driving surface is quite rough, and the road is commonly damaged by landslides at MP 7.6. The bridge across Trout Creek at MP 5.0 is weak and is posted for restricted loads.

The proposed project will reconstruct this segment of the existing road to a two-lane paved facility meeting modern road standards for collector roads as described in the 1994 AASHTO Publication, *a Policy on Geometric Design of Highways and Streets*. Improvements will generally follow the existing alignment, although several curves will be flattened for safety reasons. The road improvements will result in a 8.4-m (28-foot) paved width that includes two 3.6-m (12-foot) lanes and 0.6-m (2-foot) shoulders. The minimum design speed will be 60 km/h (35 miles per hour), and the maximum sustained grade will be 8 percent. There will be moderate improvements to the

**Figure L**  
CE Procedures/Examples

horizontal and vertical alignments to flatten sharp curves and steep grades. All curves will meet the minimum design speed except the curve at Smith Ditch (MP 6.2), which will be designed for 40 km/h (25 miles per hour). This curve will not be upgraded to meet the full design standards because doing so would cause excessive and unacceptable impacts to nearby Trout Creek. The reconstruction, which includes a replacement bridge at MP 5.0, will mostly take place within the previously disturbed road right-of-way. There is no change in access control, and only a minimum amount of private right-of-way is required.

The Wild Horse Pit near MP 9.5 will be available as a borrow and rock source for this project. Its use was evaluated as a part of the road upgrading, and the pit is covered in this Categorical Exclusion.

A December 1994 Project Checklist defines the purpose and need for the work, describes the proposed action along with other considered improvement alternatives and contains a preliminary assessment of environmental impacts.

The WFLHD has coordinated the development of this project with the State Historic Preservation Office, USFS, Fish County, U.S. Fish and Wildlife Service (FWS), and the Oregon Department of Fish and Wildlife. After analyzing the resource data, WFLHD has determined the project impacts will not be substantial or unusual. No major environmental concerns or objections were identified through any of the interagency coordination.

This project was developed in accordance with the provisions of the Federal Lands Nationwide Action Plan and is in compliance with all State and local environmental/planning regulations.

Bald eagle nests were found in the project area near Trout Lake. At this time it is not known whether these nests are active. All eagle nests will be treated as active until they are surveyed and determined otherwise. The USFS will monitor eagle nesting activity prior to construction each year between April/May. All construction activities outside of hauling through along the road will be suspended from January through May from MP 2.0 to 2.5. If eagles are found to be nesting, then the construction suspension will be extended through July.

A public notice for this project was published in the Pendleton Record, Pendleton, Oregon; the East Oregonian, Pendleton, Oregon; and the Walla Walla Union Bulletin, Walla Walla, Washington in December of 1994. In addition, letters were mailed to over 300 individuals, organizations, and agencies. Comments were received from four private individuals, the confederated Tribes of the Umatilla Indian Reservation, and the FWS. A copy of the responses are included in the appendices of the Project Checklist. No major problems or concerns have been identified at this time.

**Figure L**  
CE Procedures/Examples

The following permits will be required for the proposed road reconstruction:

1. COE Section 404 Permit, Clean Water Act of 1977, for impacts to wetlands, and encroachments into Trout Creek.
2. A special use permit from the USFS for use of rock sources.
3. National Pollutant Discharge Elimination System Permit from the EPA for storm water discharge.
4. General Waterway/Water Body Permit from the State Department of Fish and Wildlife.

The WFLHD finds that this project meets the definition of a Categorical Exclusion contained in 40 CFR 1508.4. In addition, WFLHD finds this work to be consistent with the National Listing of Categorical Exclusions, 23 CFR 771.117(a) because: 1) the action will not induce significant impacts to planned growth or land use for the area; 2) the action will not require the relocation of any people; 3) the action will not have a significant impact on any natural, cultural, recreational, historic, or other resource; 4) the action will not involve significant air, noise, or water quality impacts; 5) the action will not have significant impacts on travel; and 6) the action will not otherwise, either individually or cumulatively, have any significant environmental impacts. Furthermore, WFLHD finds this work to be consistent with the National Listing of Categorical Exclusions, 23 CFR 771.117 (d)(1) because it is the modernization of a road by reconstruction. The proposed project does not include any unusual circumstances as listed in 23 CFR 771.117 (b) that would make the CE classification improper.

**WETLAND FINDING:** In accordance with Executive Order 11990, Protection of Wetlands, the proposed highway improvement and its wetlands impacts have been closely evaluated. As a result of the project, about 0.9 ha (2.2 acres) of the 3.1 ha (7.6 acres) of wetlands within the project area will be disturbed. The amount of wetlands directly impacted on this project has been consciously reduced through avoidance measures which included 1) shifting the alignment, 2) lowering the grade of the road, 3) steepening the side slopes, and 4) installing retaining walls. These measures were successful in avoiding and minimizing impacts to most of the wetlands, although, some wetlands were on both sides of the road and could not be avoided.

To mitigate for the loss of the wetlands, a new 0.9-ha (2.2-acre) wetland will be constructed at the Wild Horse Pit site. Wetland replacement will be constructed following the provisions of the September 1996 Wetland Report for Trout Creek Road and will be coordinated with all affected agencies.

Based upon the above considerations, the FHWA has determined that there is no practical alternative to the proposed construction in wetlands. In addition, the proposed action includes all practicable measures to minimize harm to wetlands that may result from such use.



**Figure L**  
CE Procedures/Examples

In accordance with the National Environmental Policy Act and its implementing regulations, a Class II Categorical Exclusion is hereby selected as the appropriate environmental classification for this project.

RECOMMENDED BY:

\_\_\_\_\_  
Moby Dick  
Design Operations Engineer

\_\_\_\_\_  
Date

CONCURRED BY:

\_\_\_\_\_  
Jennifer Doe  
Project Development Engineer

\_\_\_\_\_  
Date

APPROVED BY:

\_\_\_\_\_  
John Smith  
Division Engineer

\_\_\_\_\_  
Date

cc: Fish County, Oregon  
USFS, Eagle National Forest,  
Jack Jones, Construction Operations Engineer, WFLHD

## Figure M

### FONSI Format

The Finding of No Significant Impact (FONSI) as defined in CEQ 1508.13 “means a document by a Federal agency briefly presenting the reasons why an action, not otherwise excluded (CE), will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared. It shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it.” This is the basic guidance given in Federal Statute explaining the contents of a FONSI.

In presenting reasons why a FONSI is appropriate, WFLHD generally summarizes the key or critical environmental issues detailed in the EA. The EA itself is only referenced, along with any other documents that contain the studies supporting the decision that the Federal action does not have a significant impact and an EIS is not required.

Though each FONSI is unique to a specific project, WFLHD generally follows a standard format for the content. The following information, in the order shown, should be included, as appropriate, in each FONSI developed. The **bold** wording is required in any FONSI, except those projects which do not have wetland impacts.

#### FORMAT

##### 1st Paragraph: Opening Statement

Begin with the statement **“The Western Federal Lands Highway Division (WFLHD) of the Federal Highway Administration (FHWA) has determined that the selected course of action for whatever the action may be will have no significant impact on the human environment”** .

##### 2nd Paragraph: Project & Alternatives Description

- C Description of the project based on the selected alternative which is commonly called the “Preferred Alternative”.
- C Explain general components of project - wall, bridges, major stream crossings
- C Describe any unusual or particularly sensitive issues. Briefly describe why the preferred alternative leads to a FONSI and does not have any significant effects. Weigh the factors if necessary. Explain if a 4(f) action also entered into the decision.

##### 3rd Paragraph: Reference to EA

Identify what the FONSI is based on - normally the EA, as amended, and date it was issued.

##### 4th Paragraph: Public Involvement

Describe the public involvement process and disposition of comments.

5th Paragraph: Major Environmental Issues

- C Endangered Species - Identify results or status of Section 7 consultation with U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS).
- C Cultural Resources - Identify outcome of coordination/ consultation on any resource on or eligible for the national register.
- C Other major issues resolved or to be resolved.

6th Paragraph: Permits

Briefly describe the permits this project will require or reference their location in the EA.

7th Paragraph: Wetlands Finding

When wetlands are impacted by the preferred alternative, include a Wetland Findings narrative. From T6640.8A, Section V-12, the narrative begins with **“In accordance with Executive Order 11990, Protection of Wetlands, the proposed highway improvement and its wetlands impacts have been closely evaluated. As a result of this project”** , ...continue with specific wetland impact information. The findings will include total hectares (acres) of impact and the design development process used to minimize wetland impacts. Briefly describe how unavoidable impacts will be mitigated. Conclude with; **“Based upon the above considerations, WFLHD has determined that there is no practical alternative to the proposed construction in wetlands. Also, the proposed action includes all practicable measures to minimize harm to wetlands that may result from such use”**.

8th Paragraph: Conclusion

Conclude the EA with the following statement generally taken from the FHWA Technical Advisory (TA) 6640.8A, 1987. A legal review of the EA will confirm that the following statement is true:

**“The EA and related documents (if there are some) adequately and accurately address the need, environmental issues, and impacts of the proposed project, including appropriate mitigation measures. The EA documents full compliance with the National Environmental Policy Act (NEPA) and other applicable environmental laws, Executive Orders, and implementing regulations. The EA provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. The WFLHD of FHWA takes full responsibility for the accuracy, scope and content of the EA. ”**

The FONSI is signed first by the DOE or Project Manager as “Recommended By”, then the Project Development Engineer as “Assigned By” , and lastly by the Division Engineer as “Approved By”. All three signature blocks should be put on one page if possible.

## Adopted EA & FONSI

The same format is generally followed when WFLHD adopts an EA and FONSI prepared and approved by another Federal Agency. It becomes the responsibility of the Environmental Specialist to determine that the other agency's EA is sufficient in its accuracy, scope and content, including mitigation.

The adopted EA and FONSI will conclude with the following statement:

**“WFLHD has reviewed the EA and FONSI and finds that the documents meet the requirements for EA’s and FONSI’s set forth in 40 CFR 1508.9 and 1508.13 and 23 CFR 771.119 and 771.121. Based on this review, WFLHD concurs in the *whomever’s document is being adopted* finding that the proposed work will result in no significant impacts. The WFLHD hereby adopts the *agency name* EA and FONSI *title of the adopting document.*”**

See example of “generic” FONSI that follows.

## **FINDING OF NO SIGNIFICANT IMPACT**

Washington Forest Highway 209  
Trout Creek Road, Milepost 0.0 to 9.4  
Paul Bunyan National Forest &  
Ox County, Washington

The Western Federal Lands Highway Division (WFLHD) of the Federal Highway Administration has determined that the selected course of action for repairing and relocating 9.4 miles of Trout Creek Road, Washington Forest Highway 209, will have no significant impact on the human environment.

Trout Creek Road is a substandard, unsafe, one and a half lane gravel road that was originally developed as a log haul route. It has minimal standard design features consisting of a narrow 5 meter (m) (16 foot) roadway, steep 9% grades, and numerous sharp, 30 km/h (20 mph) horizontal curves. There is no posted legal limit, although most motorists travel faster than road conditions can safely handle, with the recorded average speed of 60 km/h (35 mph). The driving surface is quite rough, and the road is commonly damaged by poor drainage and winter freeze/thaw cycles. The bridge across Trout Creek at MP 4.6 is old and dilapidated and posted for restricted loads.

The proposed project will reconstruct this segment of Trout Creek Road to a two-lane paved facility meeting road standards for collector roads as described in the 1994 AASHTO Publication, *A Policy on Geometric Design of Highways and Streets*. Improvements will generally follow the existing alignment, although several curves will be flattened for safety. The road improvements will result in a 7.3 m (24 foot) paved road that includes two eleven foot lanes and one foot shoulders. The minimum design speed will be 60 km/h (35 mph) and the maximum sustained grade will be 8 %, with a short exception between MP 7.3 and 7.9 where the road moves away from Trout Creek at a 9.5 % grade. All curves will meet minimum design except for one curve at the Trout Creek ox bow which will be designed for 40 km/h (25 mph). Upgrading this curve to full standards will cause excessive impacts to a cultural resource and 4(f) property, Lucy's Cabin, which is eligible for the National Register of Historic Places. Construction will require approximately 10 lineal m (33 feet) of heavy riprap to be placed in Trout Creek for road widening purposes. There is no change in access control, and only a minimum amount of private right-of-way is required.

This Finding of No Significant Impact (FONSI) is based on the July 1998 EA, amended March 1999, which documents the social, economic and environmental effects of the Preferred Alternative.

All comments received as a result of the early coordination process, public involvement activities and public review of the EA have been considered and are included in the EA. These comments were primarily obtained from two public meetings; the first to solicit issues about the project and the second to gather comments from circulating the EA.

### Threatened and Endangered Species

A biological Assessment (BA) was completed to determine the effects of the preferred alternative on listed, proposed, and candidate species identified by the US Fish & Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) as potentially occurring in the project area. The conclusions presented in the BA are as follows:

- C The proposed project “may affect, but is not likely to adversely affect” the Trout Creek cutthroat trout (endangered), Lower Columbia steelhead (threatened), and the Paul Bunyan blue salamander, (protected under the Washington State Salamander Preservation Initiative).
- C The proposed project will have “no effect” on the Columbia white-tailed deer (endangered) since no preferred or critical habitat will be removed and construction noise is not expected to disturb the species.
- C The proposed project will have “no effect” on the Trout Creek Ox-eye daisy (candidate) or the Paul Bunyan juncus (endangered). No suitable habitat for these two species will be impacted by this project.

Section 7 consultation has been completed under the Endangered Species Act with the FWS and NMFS on the listed and proposed species. The agencies concurred with FHWA’s determinations presented in the BA. Proposed mitigation measures identified in the BA and the amended EA to avoid and minimize impacts will be implemented.

### Cultural Resources

In accordance with Section 106 of the National Historic Preservation Act, consultation with Washington State Historical Preservation Officer (SHPO) has been undertaken. Concurrence by the SHPO has been received concerning the eligibility determination for Lucy’s Cabin historical site, and the determination of “no adverse effect” to the site because of avoidance. The FHWA has also coordinated with the Upper Trout Creek Tribe regarding the proposed action as Lucy may have been a member of the tribe. During construction if any cultural resource may be identified, FHWA will continue to coordinate with the SHPO and the Tribe.

### Permits

The following permits will be required for the proposed project:

1. COE Section 404 Permit, Clean Water Act of 1977, for impacts to wetlands and placement of fill into Trout Creek. The project will also need Water Quality Certification from Washington State Department of Ecology as a part of the 404 permit.
2. National Pollution Discharge Elimination System (NPDES) permit from the Department of Ecology, since this project is not all on Federal land or land under exclusive Federal Jurisdiction.
3. Hydraulic Project Approval (HPA) from the Washington State Department of Fish and Wildlife for work within Trout Creek.

4. Forest Practices permit from the Washington State Department of Natural Resources for merchantable tree removal on state owned public land.

#### Wetlands

In accordance with Executive Order 11990, Protection of Wetlands, the proposed highway improvement and its wetlands impacts have been closely evaluated. As a result of this project 1.87 ha (4.62 acres) of +/- 68 ha (168 acres) of wetlands within the project area will be encroached on. The amount of wetlands directly impacted has been consciously reduced through avoidance measures of 1) road realignment through upland areas, 2) where wetland impacts are unavoidable, limit impact to lower class or already degraded wetlands, 3) steepen road side slopes 4) install retaining wall or guardrails, and 5) modify stream crossing structures to limit impacts. These measures were successful in avoiding and minimizing impacts to most of the wetlands, however, some impacts were unavoidable due to their location in relation to stream crossing structures and topographic realignment options.

Compensation for impacts to the 1.87 ha of wetland is a multi-tiered proposal consisting of a) avoidance, b) minimization, c) restoration on-site, d) enhancement on-site of degraded wetlands and e) creation of new wetlands. Presently 0.97 ha (2.40 acres) of on-site restoration and enhancement is proposed in suitable locations along the existing and proposed roadway alignment. A 0.9 ha (2.19 acre) "creation" mitigation site, located at Sta. 24+000 within the National Forest is currently proposed. An additional "creation" mitigation is proposed at Ox Bow Meadow off Forest Service road 4369. This site is 2.6 ha (6.42 acres) bringing the total restoration/creation to 4.46 ha (11.01 acres). Wetland restoration, enhancement, and creation mitigation compensation activities will be coordinated with the necessary agencies and will be in compliance with permit requirements.

Based upon the above considerations, the FHWA has determined that there is no practical alternative to the proposed construction in wetlands. Also, the proposed action includes all practicable measures to minimize harm to wetlands that may result from such use.

The Environmental Assessment and Ox County Comprehensive Land Use Plan adequately and accurately address the need, environmental issues, and impacts of the proposed project, including appropriate mitigation measures. The EA documents full compliance with the National Environmental Policy Act (NEPA) and other applicable environmental laws, Executive Orders, and implementing regulations. The EA provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. The WFLHD of FHWA takes full responsibility for the accuracy, scope and content of the EA.

RECOMMENDED BY:

\_\_\_\_\_  
Paul Bunyan, III, Design Operations Engineer

\_\_\_\_\_  
Date

CONCURRED BY:

\_\_\_\_\_  
Paul Bunyan, Jr., Project Development Engineer

\_\_\_\_\_  
Date

APPROVED BY:

\_\_\_\_\_  
Slick Rhodes, Division Engineer

\_\_\_\_\_  
Date

cc: Clarence Bunyan, County Engineer, Ox County  
Horace Hemlock, District Ranger, USFS  
Mike Mulligan, Construction Operations Engineer, WFLHD



**Figure N**  
Reevaluations

< *Yet to Do* >

**Figure O**  
**State Permit Lists**

**ALASKA**

<b>FEDERAL PERMITS</b>	NOT APPLICABLE	APPLICABLE	
		Date	Attached
COE's Section 404 Permit Clean Water Act of 1977 (P.L. 95-217, Section 404)	_____	_____	_____
U.S. Coast Guard Permit Rivers and Harbors Act	_____	_____	_____
National Pollution Discharge Elimination System (NPDES) (Stormwater Discharge Permit)	_____	_____	_____
Special Use Permit (USDA Forest Service)	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
 <b>STATE PERMITS</b>			
Alaska Coastal Management Program (Office of Coastal Management)	_____	_____	_____
Fish and Game Title 16 Permit (Department of Fish and Game)	_____	_____	_____
Certificate of Reasonable Assurance (Water Quality Certification, Dept. of Environmental Conservation)	_____	_____	_____
Flood Hazard Permit (Federal Emergency Management Agency - FEMA)	_____	_____	_____
Water Rights Application	_____	_____	_____
Mining Permit	_____	_____	_____
Air Quality Control Permit to Open Burn (Dept. Of Environmental Conservation)	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**Figure O**  
**State Permit Lists**

**IDAHO**

<b>FEDERAL PERMITS</b>	NOT APPLICABLE	APPLICABLE	
		Date	Attached
COE's Section 404 Permit Clean Water Act of 1977 (P.L. 95-217, Section 404)	_____	_____	_____
U.S. Coast Guard Permit Rivers and Harbors Act	_____	_____	_____
National Pollution Discharge Elimination System (NPDES) (Stormwater Discharge Permit)	_____	_____	_____
Special Use Permit (USDA Forest Service)	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
 <b>STATE PERMITS</b>			
Stream Channel Alteration Permit Department of Water Resources	_____	_____	_____
Lake Encroachment Permit (Department of Public Lands)	_____	_____	_____
Surface Mining Permit (Department of Public Lands)	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**Figure O**  
**State Permit Lists**

**MONTANA**

<b>FEDERAL PERMITS</b>	NOT APPLICABLE	APPLICABLE	
		Date	Attached
COE's Section 404 Permit Clean Water Act of 1977 (P.L. 95-217, Section 404)	_____	_____	_____
U.S. Coast Guard Permit Rivers and Harbors Act	_____	_____	_____
Special Use Permit (USDA Forest Service)	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
 <b>STATE PERMITS</b>			
Floodplain Development Permit (Department of Natural Resources and Conservation)	_____	_____	_____
Stream Preservation Act Permit Application (Montana Dept. of Fish, Wildlife, and Parks)	_____	_____	_____
Authorization for Short-Term Exemption from Surface Water Quality Standards (Montana Water Quality Bureau)	_____	_____	_____
Montana Pollutant Discharge Elimination System for Permit to Discharge Storm Water (Montana Water Quality Bureau)	_____	_____	_____
Montana Antiquities Permit (Montana State Historical Society)	_____	_____	_____
Mined Land Reclamation Contract (Department of State Lands)	_____	_____	_____
Permit for Gravel Crushers (Montana Dept of Health and Environmental Sciences, Air Quality Bureau)	_____	_____	_____
Air Quality Permit	_____	_____	_____
_____	_____	_____	_____

**Figure O**  
**State Permit Lists**

**OREGON**

<b>FEDERAL PERMITS</b>	NOT	APPLICABLE	
	APPLICABLE	Date	Attached
COE's Section 404 Permit Clean Water Act of 1977 (P.L. 95-217, Section 404)	_____	_____	_____
U.S. Coast Guard Permit Rivers and Harbors Act	_____	_____	_____
Special Use Permit (USDA Forest Service)	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
 <b>STATE PERMITS</b>			
Removal/Fill Permit (Division of State Lands)	_____	_____	_____
Oregon Shoreline Development Permit (Oregon LCDC)	_____	_____	_____
Oregon Pollutant Discharge Elimination System (Stormwater Discharge Permit)	_____	_____	_____
Surface Mining Permit (Department of Geology and Mineral Industries)	_____	_____	_____
Permit to Operate Power Equipment (Oregon Department of Forestry)	_____	_____	_____
Air Containment Discharge Permit (Department of Environmental Quality)	_____	_____	_____
Notification of Operations (Department of Forestry)	_____	_____	_____
Burn Permit (Department of Forestry)	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**Figure O**  
**State Permit Lists**

**WASHINGTON**

<b>FEDERAL PERMITS</b>	NOT APPLICABLE	APPLICABLE	
		Date	Attached
COE's Section 404 Permit Clean Water Act of 1977 (P.L. 95-217, Section 404)	_____	_____	_____
U.S. Coast Guard Permit Rivers and Harbors Act	_____	_____	_____
National Pollution Discharge Elimination System (NPDES) (Stormwater Discharge Permit)	_____	_____	_____
Special Use Permit (USDA Forest Service)	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
 <b>STATE PERMITS</b>			
Hydraulics Project Approval (Department of Fisheries and Department of Game)	_____	_____	_____
Shoreline Management Substantial Development Permit (County or City of Jurisdiction)	_____	_____	_____
Waste Disposal Discharge Permit (DOE)	_____	_____	_____
Surface Mining Reclamation Permit (Department of Natural Resources)	_____	_____	_____
Forest Practice Approval (Department of Natural Resources)	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**Figure O**  
**State Permit Lists**

**WYOMING**

<b>FEDERAL PERMITS</b>	NOT APPLICABLE	APPLICABLE	
		Date	Attached
COE's Section 404 Permit Clean Water Act of 1977 (P.L. 95-217, Section 404)	_____	_____	_____
U.S. Coast Guard Permit Rivers and Harbors Act	_____	_____	_____
National Pollution Discharge Elimination System (NPDES) (Stormwater Discharge Permit)	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
 <b>STATE PERMITS</b>			
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____