

HELP SHAPE THE FUTURE OF THE REGION

The National Environmental Policy Act

Understanding the environmental impact assessment process helps your voice be heard.

Jurisdictions plan for transportation projects and must adhere to NEPA when using federal dollars.

When a major transit project is being considered within the Portland metropolitan area, Metro is the lead agency during planning, and TriMet takes the lead on engineering and construction.

Learn about the many layers of NEPA and about the opportunities to be involved in projects that affect you and the future of the region.

NEPA

The National Environmental Policy Act was signed into law on Jan. 1, 1970. NEPA established a process to assess the environmental effects of proposed government-funded projects. If federal funds are likely to be used, this assessment must be undertaken before decisions are made in order to ensure citizen involvement and to make better informed decisions.

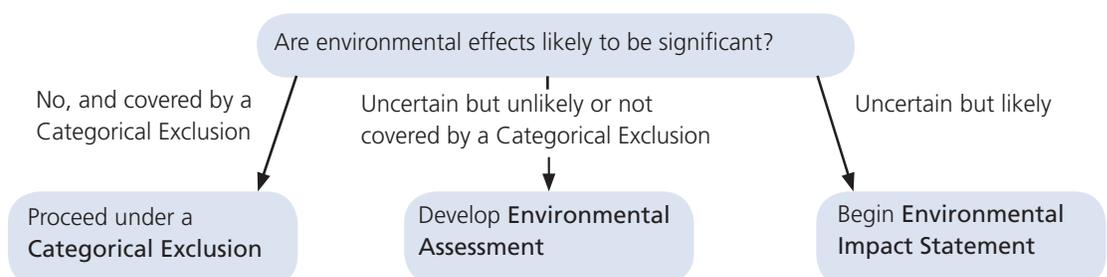
The environmental impact assessment process required by NEPA also serves as a framework to ensure compliance with environmental requirements such as the Endangered Species Act, the National Historic Preservation Act, the Environmental Justice Executive Order, and other federal, tribal, state and local laws and regulations. For this reason, the assessment process covers not only effects to the natural environment but also the effects to all aspects of the human environment, including aesthetic, historic, cultural, economic, social and health effects, whether adverse or beneficial.

NEPA does not require the selection of the environmentally preferable alternative, nor does it prohibit adverse environmental effects, but it does require decision-makers and the public to be informed of the environmental consequences of a proposed project. Possible steps to mitigate any environmental effects are also identified and defined during the assessment process.

The NEPA process

Once a government agency identifies a need for action and develops a proposal for a solution, it must determine if the action would create significant environmental effects. If the agency determines that the actions would not have a significant effect on the quality of the human environment, then it may proceed with the action under an existing Categorical Exclusion. If the agency is uncertain but finds it unlikely that the action would have significant effect on environmental quality, or if the action is not covered by a Categorical Exclusion, it can complete an Environmental Assessment. If the agency is aware that the action may cause significant environmental effects, the agency would proceed to prepare for an Environmental Impact Statement.

Determining the right NEPA process



Categorical Exclusion

A Categorical Exclusion is based on an agency's previous experience with the environmental effects of a type of action; examples include making minor renovations to facilities and reconstructing trails on public lands. Previous Environmental Assessments (see below) may have shown no significant negative impact to the environment, so the agency may amend their regulations to include the action as a Categorical Exclusion to streamline the process of repeating the action.

Federal rules specify what can be a Categorical Exclusion and what must follow another NEPA process. Additionally, the agency must ensure there are no extraordinary circumstances that may cause the action to have significant environmental effects in order to proceed with a proposed action under a Categorical Exclusion.

Public input. For an agency to create a Categorical Exclusion, a draft of the procedure or procedures is published in the Federal Register (accessible at www.gpoaccess.gov/fr), and a public comment period is required.

Environmental Assessment

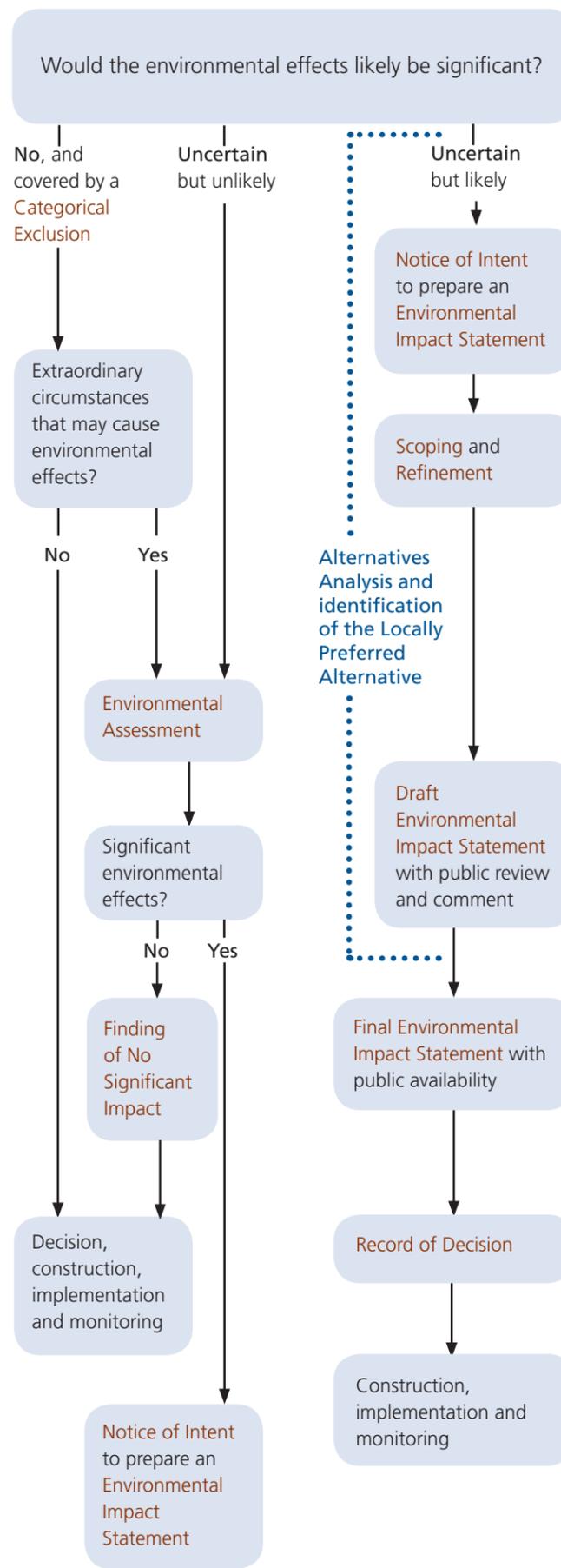
The agency develops an Environmental Assessment under any of the following conditions:

- the agency does not have a Categorical Exclusion that covers the proposed action
- there would be extraordinary circumstances that may cause the action to have environmental effects beyond would be covered by the Categorical Exclusion
- the agency is uncertain of the environmental effects of the proposed action.

The Environmental Assessment determines the significance of the environmental effects of the proposed action and examines alternative means to meet the need for action. The assessment provides evidence and analysis to determine whether or not to prepare an Environmental Impact Statement is needed.

Finding of No Significant Impact The Environmental Assessment concludes with either a Finding of No Significant Impact or a determination to prepare an EIS. A Finding of No Significant Impact gives the reasons why it was determined that there would be no significant environmental impacts in the implementation of the action. Examples include an urban streetcar project that travels in existing roadways or a short light rail extension through vacant land that is not environmentally sensitive.

Public input. In preparing the Environmental Assessment, the agency is required to involve regulatory agencies and the public to the extent practicable. An agency may choose to mirror the Scoping and/or Environmental Impact Statement public input processes (see next page), notify identified interested parties on the status of the assessment, or make available the assessment and a draft Finding of No Significant Impact to interested members of the public. If the type of proposed action hasn't been done before by a particular agency or if the action is something that would typically require an Environmental Impact Statement, the agency is required to make the draft Finding of No Significant Impact available for public review and comment for 30 days.



Environmental Impact Statement

If the proposed action will, or even may, significantly affect the human or natural environment, the agency must prepare an Environmental Impact Statement. The EIS process is more detailed than a Categorical Exclusion or Environmental Assessment, with specific stages that have their own requirements.

Notice of Intent The EIS process begins with the publication of a Notice of Intent to prepare an EIS for the proposed action. The notice is published in the Federal Register and gives a brief description of the action as well as possible alternatives. It also describes the scoping process and how the public can participate.

Stage 1: Scoping Scoping defines the purpose of and need for the project and the alternatives being considered for additional study. During Scoping, the agency determines the range and extent of issues to be addressed in the analyses, identifying issues, project contacts, interested parties and recommendations for the potential solution. Scoping also works to identify issues that will not be significant, or those that have been adequately covered in prior environmental review, and eliminates them from detailed review in the EIS.

Public input As part of the 30-day Scoping process, the agency identifies interested persons and invites them to participate in the EIS process. Public participation helps identify a fuller range of issues and reasonable alternatives that the agency can evaluate through the EIS process. The agency may conduct public meetings or hearings and will request comments from federal, tribal, state and local agencies that may have interests in the matter.

Stage 2 (if needed): Refinement The Alternatives Analysis and Scoping processes are intended to explore and narrow the potential solutions and range of issues to be addressed in the EIS. The agency may choose to continue to refine the results of or resolve issues raised during those processes with a Refinement study.

Public input During the Refinement study, the agency may choose to mirror or expand the public input process used during the Scoping process.

Alternatives Analysis

Though not directly a part of NEPA, major transit projects include an Alternatives Analysis under Federal Transit Administration guidelines, either as a separate step or in conjunction with one or more NEPA phases. The Federal Transit Administration's New Starts program is the main source of federal funding for major transit projects. As part of the New Starts project development process, the Alternatives Analysis evaluates the costs, benefits and impacts of a range of transportation alternatives designed to address mobility problems and other objectives in a transportation corridor.

Because it is not a requirement of NEPA, the agency may choose to perform the Alternatives Analysis before filing a Notice of Intent to prepare an EIS or combine it with one or more processes leading to the identification of the Locally Preferred Alternative. The Locally Preferred Alternative is the solution selected to advance for more focused study and development.

Public input During the Alternative Analysis study, the agency involves a wide range of stakeholders, including the general public.

Stage 3: Draft Environmental Impact Statement A Draft Environmental Impact Statement includes a Purpose and Need Statement that articulates the problem that the proposed action is meant to resolve. The DEIS objectively evaluates the alternatives and addresses the reasons for eliminating alternatives that are not included for detailed study. All reasonable alternatives that meet the purpose and need of the project and including a no-action alternative, are evaluated in enough detail that a reader can compare and contrast the environmental effects of the alternatives. The analysis includes the full range of direct, indirect and cumulative effects of the alternatives.

Public input A notice in the Federal Register and other local and regional public notices announce the availability of the DEIS for review and comment. The comment period for a DEIS is anywhere from 45 to 60 days. During the comment period, the agency may conduct public meetings or hearings and will request comments from federal, tribal, state and local agencies that may have an interest in the matter. The agency analyzes all comments and conducts further environmental analysis as necessary in order to prepare the Final Environmental Impact Statement.

Stage 4: Final Environmental Impact Statement The Final Environmental Impact Statement responds to the comments received from the public and other government agencies during the DEIS public comment period as well as defines and commits the agency to specific mitigation of specific impacts. The responses can be in the form of changes from the Draft to the Final EIS, factual corrections, modifications to the analyses or alternatives or consideration of new alternatives. A copy or summary of the comments and their responses are included in the FEIS.

Public input When the agency publishes the FEIS, the Environmental Protection Agency publishes a notice in the Federal Register. The notice begins the waiting period of at least 30 days, during which decision-makers consider the Purpose and Need, weigh the alternatives, balance objectives and make a decision. During the 30-day period, the FEIS is available for public review.

Record of Decision The final step in the process is the Record of Decision, which:

- documents the final decision
- identifies alternatives considered, including the environmentally preferred alternative
- discusses mitigation plans, including enforcement and monitoring commitments
- addresses all factors that were contemplated in reaching the decision
- defines how to proceed with the proposed action
- serves as the decision from the federal government that the project is allowed under NEPA.

Supplemental statements

An agency may be required to prepare a Supplemental Draft Environmental Impact Statement or Supplemental Final Environmental Impact Statement. These may be used to address a substantial change in the proposed action, new circumstances or information relevant to environmental concerns, or specific environmental concerns that may have not been fully realized in the DEIS or FEIS. The comment process and time periods for an SDEIS or Supplemental FEIS would be same as those of the DEIS or FEIS, respectively.

BUILDING THE PROJECT

Preliminary engineering

Concurrent with the FEIS, preliminary engineering advances the project's design from approximately 5 percent to 30 percent engineering in order to establish the cost for the final project.

BUILDING THE PROJECT

Final design

After the Record of Decision is issued, final design work brings design from 30 percent to 100 percent complete, finalizes the finance plan, purchases property, and begins advance construction (the relocation of utilities in conflict with construction areas, etc.). Final construction follows, and then operations can begin.

This information is mainly compiled from A Citizen's Guide to the NEPA from the Council on Environmental Quality. For more detailed information, visit ceq.hss.doe.gov.

Learn about transit projects or sign up for notifications on Metro's website.

www.oregonmetro.gov

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