

Chapter 3 – ENVIRONMENTAL STEWARDSHIP

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3A.1 LAWS, REGULATIONS, POLICIES, GUIDANCE AND PERMITS

This appendix provides links to guidance material on state transportation departments and other agency websites.

3A.1.1 RESOURCE-SPECIFIC ENVIRONMENTAL CONSIDERATIONS

3A.1.1.1 Air Quality

Additional links to relevant guidance materials include:

- The Florida Department of Transportation (FDOT) [*Project Development and Environment \(PD&E\) Manual, Part 2, Chapter 16*](#) provides the most detailed guidance on the air quality analysis process and reporting requirements. Although the guidance is specific to that agency, much of the information is applicable to projects in other locations.
- The New York State Department of Transportation (NYSDOT) *Environmental Procedures Manual (EPM)*, Attachment 1.1-F provides an [*Example Air Quality Report*](#).
- The Washington State Department of Transportation (WSDOT) [*EPM, Section 425*](#) provides detailed information on conformity, a checklist for an air quality technical report (called a discipline report) and guidance for NEPA documentation of air quality issues.

3A.1.1.2 Coastal Areas and Shorelines

Additional links to relevant guidance materials include:

- More information on the [*Coastal Barrier Resources Act*](#) from the FWS.
- Programs are often fairly consistent from State to State. Both the FDOT [*PD&E Manual, Part 2, Chapter 25*](#) and the California Department of Transportation (Caltrans) [*Environmental Handbook, Volume 1, Chapter 18*](#) provide overviews that can be helpful in understanding the process and procedures for compliance with Federal and State laws that protect coastal resources as well as required documentation.
- The FDOT [*PD&E Manual, Part 2, Chapter 26*](#) provides an excellent overview of the *Coastal Resources Barrier Act* and how it is implemented.

3A.1.1.3 Earth (Geology and Soils)

Additional links to relevant guidance materials include:

- The WSDOT [*EPM, Section 420*](#) provides general guidance on the content of various sections in technical reports, temporary erosion and sedimentation control plans, soil

surveys, and erosion control plans. The discipline report checklist serves as guidance to help authors determine necessary information for inclusion in the NEPA document.

3A.1.1.4 Energy

Additional links to relevant guidance materials include:

- The Caltrans [Environmental Handbook, Volume 1, Chapter 13](#) provides a flowchart and a complete list of the information to include in the energy discipline report as well as the NEPA document.
- The Idaho Transportation Department (ITD) [Environmental Process Manual, Section 1200](#) provides a more concise list of information to include in an energy discipline report.

3A.1.1.5 Farmland

Additional links to relevant guidance materials include:

- The NYSDOT [EPM, Chapter 2.5](#) (see Section IV, Steps 5 and 6) has a succinct but thorough process for compliance with the FPPA.
- The WSDOT [EPM, Section 450](#) contains a summary of the required contents for a NEPA document to comply with the FPPA. A farmlands discipline report checklist serves as useful guidance for preparing an EIS section to ensure compliance with the FPPA.
- The Caltrans [Environmental Handbook, Volume 4](#) (see Section 3-3) provides a discussion of the analysis required in an environmental document in order to comply with the FPPA. This document also identifies sources of information and provides guidance on defining a significant impact.

3A.1.1.6 Floodplains

Additional links to relevant guidance materials include:

- The Caltrans [Environmental Handbook, Volume 1, Chapter 17](#) and the FDOT [PD&E Manual, Part 2, Chapter 24](#) provide detailed guidance on floodplain-related documentation.
- The WSDOT [EPM, Section 432](#) provides a useful flowchart (see Exhibit 432-2) summarizing the documentation process for floodplains.

3A.1.1.7 Hazardous Substances

Additional links to relevant guidance materials include:

- The FDOT [PD&E Manual, Part 2, Chapter 22](#) provides the best guidance and step-by-step requirements on research, reporting and documentation for potential hazardous substances.

- The NYSDOT [EPM, Chapter 5.1](#) (see Section X) has a useful flowchart that describes the steps to screen for hazardous wastes and contaminated materials and performing more detailed assessments.

3A.1.1.8 Historic, Cultural and Archaeological Resources (Section 106)

Other laws that may be considered in conjunction with Section 106 issues include:

- [Historic Sites Act](#) of 1935 (16 USC 461-467)
- [Archeological and Historic Preservation Act](#) (16 USC 469–469c-2)
- [Preservation of American Antiquities Act](#) (16 USC 431–433)
- [Archeological Resources Protection Act](#) (16 USC 470aa–470mm)
- [American Indian Religious Freedom Act](#) (42 USC 1996)
- [Native American Graves Protection and Repatriation Act](#) of 1990 (25 USC 3001 et seq.)
- [Executive Order 11593](#) May 6, 1971.

Additional links to relevant guidance materials include:

- The [AASHTO Center for Environmental Excellence](#) provides a useful link to recent developments related to Section 4(f) and Section 106.
- The Maryland Department of Transportation provides excellent [Section 4\(f\) interactive training](#) that can also be used as a resource when planning and writing 4(f) documents. It includes information on NEPA and Section 106 of the *National Historic Preservation Act*.
- The WSDOT [EPM, Section 456](#) provides guidance on the Section 106 Regulations, Users Guide, National Register Evaluation Criteria. It also provides a glossary of terms related to historical, cultural and archeological resources (see Exhibit 456-1).
- The FDOT [PD&E Manual, Part 2, Chapter 12](#) describes the documentation and procedures of the Section 106 process and includes a flowchart of the process. Florida also outlines the steps required for a cultural resources survey and a determination of eligibility for the properties identified.
- The Caltrans [Environmental Handbook, Volume 1, Chapter 28](#) outlines the reporting requirements for Section 106 compliance and requirements for the NEPA documentation.
- The NPS provides [guidelines for evaluating and documenting traditional cultural resources](#).

3A.1.1.9 Land Use

Additional links to relevant guidance materials include:

- The Caltrans [Environmental Handbook, Volume 4](#) (see Section 3-2, 4-2, and 4-4) provides thorough guidance on the technical report format and contents, and an overview of land use issues to be considered in the NEPA document. It also provides

comprehensive guidance on the analysis of induced growth in the context of cumulative effects.

- The WSDOT [EPM, Section 450](#) provides the most concise and thorough checklist of issues (see Exhibit 450-1) that should be considered relative to land use, regardless of the project classification. This checklist is particularly useful for categorical exclusions and environmental assessments when a technical report has not been produced.

3A.1.1.10 Community Impact Assessment

Additional links to relevant guidance materials include:

- The best guidance for large-scale EIS projects with numerous implications for the community is the Caltrans [Environmental Handbook, Volume 4](#) “Community Impact Assessment.” The *Handbook* describes the methodological approaches and the sources available for obtaining the information needed for community impact assessment.
- Guidance on community impact topics to discuss (see Discussion Points) and reporting requirements (see Report Content and Required/Recommended Format) are available in the Caltrans [Environmental Handbook, Volume 1, Chapter 24](#).
- The WSDOT [EPM, Section 458](#) provides information on social, economic and environmental justice impact regulations, policy and guidance. Checklists outlining the topics that should be covered in preparing the social, economic and relocation impacts sections of environmental documents (see Exhibits).
- The FDOT [PD&E Manual, Part 2, Chapter 9](#) provides guidance on community impact assessment and the type of information that should be included in an environmental document. This web link includes information on the appropriate level of documentation and the method of determining whether there is a significant effect.
- [The Community Impact Assessment and Environmental Justice for Transit Agencies: A Reference](#), January 2002.

3A.1.1.11 Noise

Additional links to relevant guidance materials include:

- The NYSDOT [EPM, Chapter 3](#) provides a detailed and well-organized overview of procedures for noise analysis and abatement and documentation of these impacts.
- The FDOT [PD&E Manual, Part 2, Chapter 17](#) provides a good overview of methods, procedures, abatement considerations, noise study report contents and required noise content for NEPA documents.
- The WSDOT [EPM, Section 446](#) provides a checklist of noise issues to be addressed in technical reports and NEPA documents (see Exhibit 446-2).

3A.1.1.12 Public Services and Utilities

Additional links to relevant guidance materials include:

- The WSDOT [EPM, Section 470](#) provides information on the required analysis for NEPA documents relative to public services and utilities.

3A.1.1.13 Relocations

Additional links to relevant guidance materials include:

- The WSDOT [EPM, Section 458](#) contains checklist outlining the topics that should be covered in preparing the relocation impacts sections of NEPA documents (see Exhibit 457-3).

3A.1.1.14 Section 4(f) and Section 6(f)

Additional links to relevant guidance materials include:

- The Maryland Department of Transportation provides excellent [Section 4\(f\) interactive training](#) that can also be used as a resource for planning and writing 4(f) documents. It includes information on NEPA and Section 106 of the *National Historic Preservation Act (NHPA)*.
- The Caltrans [Environmental Handbook, Volume 1, Chapter 20](#) provides an overall [checklist for preparing Section 4\(f\) evaluations](#). It includes information on appropriate documentation in an EIS or environmental assessment when there is no Section 4(f) use. Chapter 20 of the *Handbook* also provides detailed guidance on 4(f) application and requirements.
- The WSDOT [EPM, Section 450](#) provides discipline report checklists and an outline of a Section 4(f) evaluation. This section also provides a discipline report checklist as well as detailed guidance on the 6(f) process and documentation. Exact procedures vary by State.
- The FDOT [PD&E Manual, Part 2, Chapter 13](#) provides examples of transmittal letters to FHWA in its overall guidance on 4(f) documentation.
- Caltrans has merged its Section 6(f) documentation information and guidance into the Section 4(f) guidance. The [decision tree](#) is helpful for sorting out the relationship between 4(f) and 6(f).

3A.1.1.15 Socioeconomics and Environmental Justice

Additional links to relevant guidance materials include:

- The WSDOT [EPM, Section 458](#) provides thorough information on the following topics:
 - ◇ When an environmental justice analysis should be performed,
 - ◇ Whether the environmental justice analysis must be a separate technical study,
 - ◇ How environmental justice should be addressed in the NEPA process,

- ◇ How to perform a technical analysis, and
- ◇ An outline for an environmental justice report.

This section also contains checklists outlining the topics that should be covered in preparing the social, economic and relocation impacts sections of NEPA documents (see Exhibits 458-1 to 3).

- The Caltrans [Environmental Handbook, Volume 1, Chapter 25](#) provides detailed information on environmental justice documentation and regulatory compliance, including a subject matter decision tree, timing of studies with the environmental process and report content and format.

3A.1.1.16 Threatened and Endangered Species

Additional links to relevant guidance materials include:

- [Threatened and endangered species information by State](#) is available from the FWS.
- The Caltrans [Environmental Handbook, Volume 1, Chapter 14](#) (see discussion under Reporting) provides the most detailed discussion of Section 7 documentation procedures and has developed a template for biological assessments.
- The NYSDOT [EPM, Chapter 4.1](#) provides a thorough overview of the Endangered Species Act Section 7 documentation process, including a step-by-step description of procedures and a flowchart to determine whether a project will affect listed species.
- The WSDOT [EPM, Section 436](#) provides a general overview of policies and procedures related to wildlife, fish and vegetation, including the ESA analysis and documentation process.

3A.1.1.17 Transportation and Traffic Impacts

The FDOT pioneered a method for evaluating the quality of service a corridor provides for pedestrians and bicyclists. This method is described in the [2009 Quality/Level of Service Handbook](#). This method has gained widespread acceptance and may provide a suitable approach to analyzing existing conditions and expected impacts on pedestrians and bicyclists at the EIS level.

3A.1.1.18 Visual

Additional links to relevant guidance materials include:

- The Caltrans [Environmental Handbook, Volume 1, Chapter 27](#) provides an excellent annotated outline of a technical report for complex projects based on the FHWA method for Visual Impact Assessment for Highway Projects.
- The WSDOT [EPM, Section 459](#) provides a discipline report checklist for addressing visual assessments (see Exhibit 459-1). The checklist may serve as a guide to the contents of a technical report or an EIS section.

3A.1.1.19 Water Resources

Additional links to relevant guidance materials include:

- The WSDOT [EPM, Section 430](#) provides detailed technical guidance on water quality technical reports as well as checklists.
- The NYSDOT [EPM, Attachment 4.4.B](#) has detailed guidance pertaining to the contents of the ground water report when a project is located in a designated sole-source aquifer.

3A.1.1.20 Wetlands

Additional links to relevant guidance materials include:

- The FDOT [PD&E Manual, Part 2, Chapter 18](#) has detailed guidance regarding environmental documentation content including the wetland report, conceptual mitigation report and a NEPA document.
- The Caltrans [Environmental Handbook, Volume 3, Chapter 3, Section 3.7](#), Volume 3, provides an overview of delineation considerations and the wetland delineation report contents.
- The WSDOT [EPM, Section 431](#) has detailed guidance on wetland mitigation plans and reports.

3A.1.1.21 Wild and Scenic Rivers

Additional links to relevant guidance materials include:

- The NYSDOT [EPM, Chapter 4.6](#) provides step-by-step procedures for compliance with the *Wild and Scenic Rivers Act* (see Section IV).
- The FDOT [PD&E Manual, Part 2, Chapter 23](#) provides a brief summary of the information required on Wild and Scenic Rivers depending on the type of NEPA document being prepared.
- The Caltrans [Environmental Handbook, Volume 1, Chapter 19](#) provides guidance on the contents of environmental documents relative to Wild and Scenic Rivers.

3A.1.1.22 Wildlife, Fish and Vegetation

Additional links to relevant guidance materials include:

- The WSDOT [EPM, Section 431](#) provides a detailed checklist for a combined wetland/biology discipline report.
- The Caltrans [Environmental Handbook, Volume 1, Chapter 14](#) provides excellent guidance on technical reports, cumulative impact analysis and permits.

3A.2 NEPA DOCUMENTATION

3A.2.1 CATEGORICAL EXCLUSION

Additional links to relevant guidance materials include:

- The Caltrans [Environmental Handbook, Volume 1, Chapter 30](#) provides guidance on categorical exclusions including the preparation and processing of documentation.
- The FDOT [PD&E Manual, Part 1, Chapter 2](#) provides a categorical exclusion checklist.

3A.2.2 ENVIRONMENTAL ASSESSMENT

Additional links to relevant guidance materials include:

- The Caltrans [Environmental Handbook, Volume 1, Chapter 31](#) provides guidance on environmental assessments including the preparation and processing of documentation.
- The FDOT [PD&E Manual, Part 1, Chapter 6](#) contains a table of contents for environmental assessments as well as general guidance on environmental assessments.
- The EPA provides extensive information on the [public involvement process](#).

3A.2.3 FINDING OF NO SIGNIFICANT IMPACT

The FDOT [PD&E Manual, Part 2, Chapter 3](#) provides the most comprehensive guidance on FONSI content and organization and provides example language.

3A.2.4 DRAFT ENVIRONMENTAL IMPACT STATEMENT

Additional links to relevant guidance materials include:

- The FDOT [PD&E Manual, Part 2, Chapter 3](#) provides comprehensive guidance on EIS content and organization and example language for dealing with several environmental issues.
- The Caltrans [Environmental Handbook, Volume 1, Chapter 32](#) provides guidance on the key elements of the draft EIS including:
 - ◇ Purpose and Need section,
 - ◇ Alternatives,
 - ◇ Affected Environment contents,
 - ◇ Environmental Consequences contents,

- ◇ Cumulative Impacts, and
- ◇ Mitigation.

3A.2.5 REEVALUATIONS

Additional links to relevant guidance materials include the following:

- The Caltrans [Environmental Handbook, Volume 1, Chapter 33](#) provides detailed guidance on reevaluations for all NEPA documents, including decision flowcharts.
- The FDOT [PD&E Manual, Part 1, Chapter 13](#) provides detailed guidance on reevaluations including a suggested format and a process flowchart.