

# ***National Environmental Policy Act***

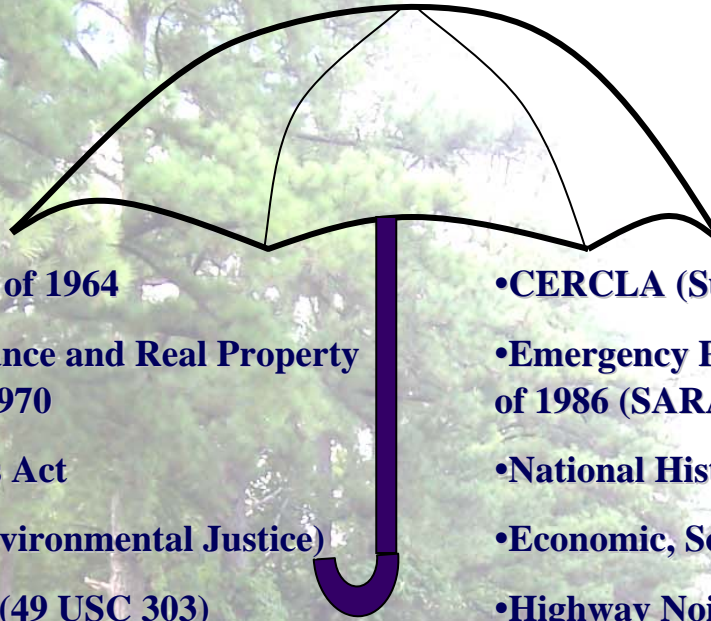
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Presented by Fisher & Arnold Environmental  
May 26, 2009



# NEPA “Umbrella”



- Title VI of Civil Rights Act of 1964
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
- Americans with Disabilities Act
- Executive Order 12898 (Environmental Justice)
- Section 4(f) of USDOT Act (49 USC 303)
- Clean Air Act
- Safe Water Drinking Act
- Farmland Protection Policy Act
- Solid Waste Disposal Act
- Resource Conservation and Recovery Act of 1976 (RCRA)

- CERCLA (Superfund)
- Emergency Planning and Community Right to Know Act of 1986 (SARA)
- National Historic Preservation Act
- Economic, Social and Environmental Effects of Highways
- Highway Noise Standards
- Public Hearing Requirements
- Archaeological and Historic Preservation Act
- Archaeological Resources Protection Act
- AND MORE...

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Courtesy: TDOT Environmental Division



# ***NEPA Process Options***

- **Classes of Action**

- **Class 1: Environmental Impact Statement (EIS)**

- **Class 2: Categorical Exclusions (CE)**

- **Class 3: Environmental Assessment (EA)**

- **Class of Action determined by FHWA**

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Courtesy: TDOT Environmental Procedures Manual



# ***Environmental Assessment***

- Prepared when the proposed project does not meet the requirements of a CE, and when the significance of the social, economic, and environmental impacts is uncertain.
- Used by the FHWA to determine the appropriate environmental document required:
  - FONSI
  - EIS

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# ***Important Elements of NEPA***

- Public Involvement
- Purpose and Need
- Alternative Development
- Impact Identification
- Agency Coordination
- Technical Studies
  - Noise Impacts
  - Mitigation of Impacts
- Permits

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# Public Involvement

## ■ Context Sensitive Solutions – CSS

### □ Stakeholders

### □ Agency Involvement

• FHWA

• TDOT

• TDEC

• SHPO

• USFWS

• NATIVE  
AMERICAN  
TRIBES

• USACE

• LOCAL  
GOVERNMENT

## ■ Public Meeting

## ■ Public Hearing

## ■ Website

## ■ Newsletters

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# ***Purpose and Need***

- Validates the reasons for going forward with the project
- Provides the foundation for reasonable alternatives, evaluations, and comparisons
- Basis for dismissal of no-action
- Elements:

- Project Status
- System Linkage
- Existing and Future Conditions
- Transportation Demand
- Legislation
- Social or Economic Conditions
- Land Use
- Modal Relationships
- Safety
- Roadway Deficiencies

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# ***Alternative Development***

- Build Alternatives
- New Alignments
- Improve Existing
- Combination of Both
- No-Build Alternative

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# ***Impact Identification***

## **Human Environment**

- Social
- Economic
- Environmental Justice
- Historic
- Archaeological
- Indirect and Cumulative
- Visual
- Noise
- Recreational
- Air Quality

## **Natural Environment**

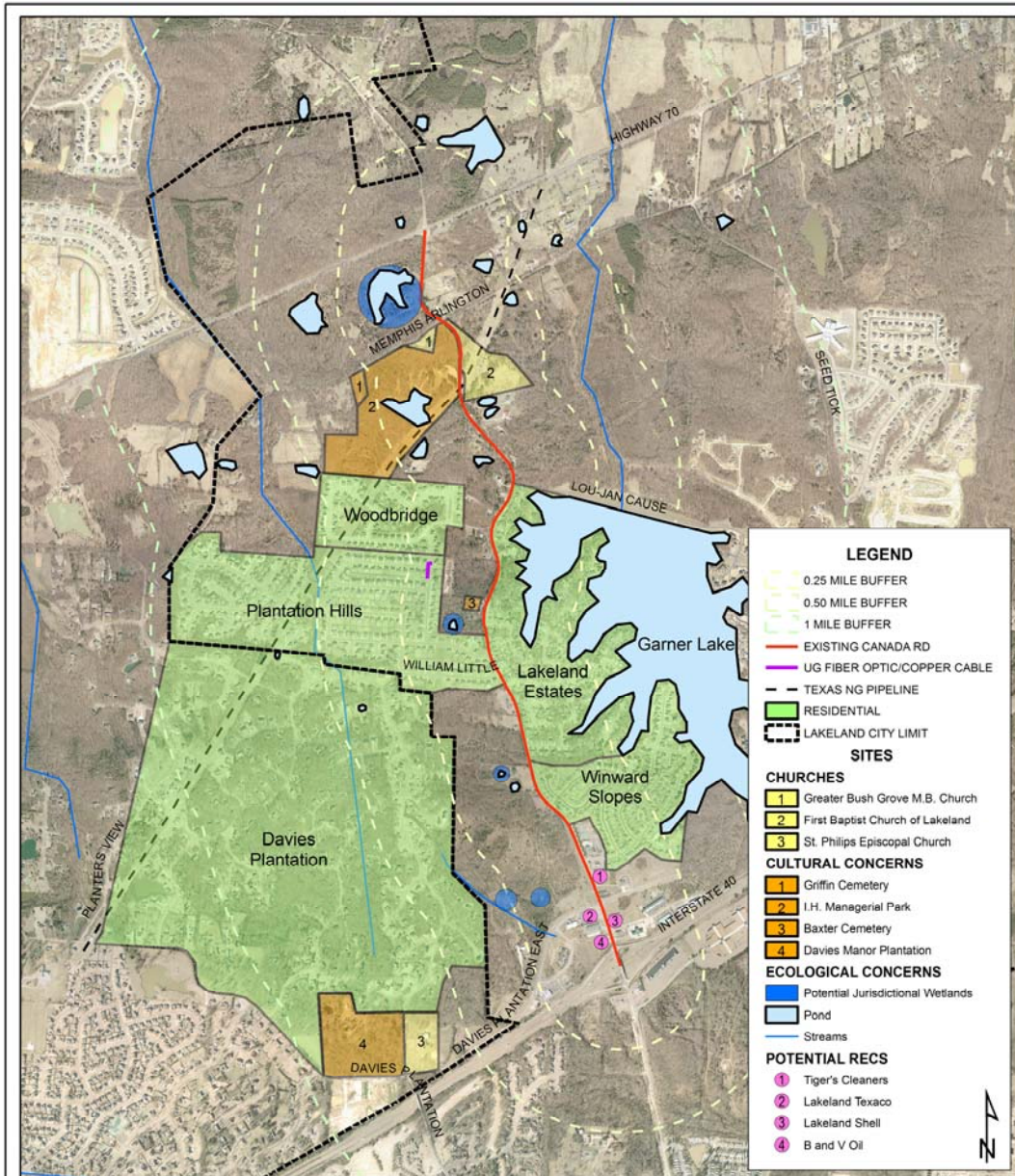
- Steams
- Wetlands
- Rare & Endangered Species
- Floodplains
- Terrestrial
- Caves
- Sinkholes
- Hazardous Materials
- Geotechnical Study

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Courtesy: TDOT Environmental Division





**NEPA CONSTRAINTS MAP  
CITY OF LAKELAND  
CANADA ROAD REALIGNMENT  
OCTOBER 7, 2008**



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AERIAL: 2006	SOURCE: ON FILE AT F&A	FIGURE
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# Agency Coordination

- TN State Historic Preservation Office (SHPO)
- TN Department of Environment and Conservation (TDEC)
- U.S. Fish and Wildlife Service (USFWS)
- U.S. Army Corps of Engineers
- Local Government

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# Technical Studies

## ❑ Cultural Resources

- ❑ Architectural Assessment
- ❑ Archaeological Assessment
- ❑ Historic Sites
- ❑ Parks
- ❑ Recreational Areas
- ❑ Refuges

## ❑ Natural Resources

- ❑ Endangered Species
- ❑ Endangered Habitat

## ❑ Wetlands/Waters

## ❑ Hazardous Materials

## ❑ Air Quality

## ❑ Noise



# ***Noise Impacts***

## **TDOT Noise Policy 520-01**

### **▪Analysis**

- Existing Noise Levels**
- Future Projections**
- Determination of Impacts**

### **▪Feasibility**

### **▪Reasonableness**

### **▪Mitigation Cost Benefit**



# ***Lakeland Tree Ordinance***

- **Arborist Assessment**
  - **Canopy Analysis**
  - **Density Analysis**
  - **Forest Stands**
  - **Root Protection Zone**
  - **Drip Line**
  - **Endangered Species**
  - **Specimen Trees**
  - **Management Plan**
  - **Replacement Plan**



# ***Mitigation of Impacts***

## **AVOID - MINIMIZE - MITIGATE**

- **Avoid Impacts**
- **Minimize Impacts**
- **Mitigate (Compensate) for Impacts**

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# Permits

- **NPDES – Construction General Permit**
- **ARAP – Aquatic Resources Alterations Permit**
- **Section 404 – USACE (fill waters of the U.S.)**
  - **Nationwide Permit – for minor projects**
  - **Individual – more severe projects, ½ acre or more**
- **Section 401: Water Quality Certification**

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# Questions?

- **Tennessee Environmental Procedures Manual**

- [www.tdot.state.tn.us/environment/tepm.htm](http://www.tdot.state.tn.us/environment/tepm.htm)

- **Federal Highway Administration Environmental Guidebook**

- [www.environment.fhwa.dot.gov/guidebook/index.asp](http://www.environment.fhwa.dot.gov/guidebook/index.asp)

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