

# WYDOT ENVIRONMENTAL PROCESS



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Attachment A: WYDOT CE Template and Form 100

## **1.0 Introduction to WYDOT’S Environmental Process**

WYDOT Environmental Services is responsible for reviewing state transportation projects to ensure the projects comply with the various environmental laws, regulations and executive orders.

**A State or local action (project) may be subject to NEPA when the action requires a federal permit, a federal regulatory decision, federal funding, occurs on federal land, or other assistance from a federal agency.**

The first part of this document is intended to provide an overview for how to comply with the policies and procedures of the Federal Highway Administration (FHWA) for implementing the National Environmental Policy Act (NEPA) of 1969 as amended and the regulations of the Council on Environmental Quality (CEQ).

The second part of the document is to assist in the preparation of a categorical exclusion using WYDOT’s CE template. If the project sponsor is not familiar with the NEPA process, hiring a consultant to prepare the environmental documents should be considered.

FHWA has created a technical advisory, (T.6640.8a), [\*Guidance for Preparing and Processing Environmental and Section 4\(f\) documents\*](#). This Technical advisory provides additional information on preparing environmental documents.

## **2.0 Roles and Responsibilities**

The FHWA serves as the lead Federal agency for NEPA compliance on transportation projects or projects using federal transportation funds. Roles and responsibilities vary depending on who is the project sponsor.

WYDOT oversees the preparation of environmental documents, for WYDOT projects. FHWA will furnish guidance, participate in the preparation, and independently evaluate the document.

Non State or Federal governments (project sponsor) may oversee preparation of the environmental document for their projects. FHWA may request WYDOT to assist as a program administrator for environmental document compliance with NEPA. FHWA reviews and approves the environmental document.

## **3.0 Environmental Document Selection**

WYDOT transportation projects vary in type, length, complexity, and potential affects to the environment. To account for the variability of projects three environmental documents or “classes of actions” are allowed by NEPA. These classes of actions document how compliance

with NEPA is met. The level of environmental document is based on the significance of the impacts. Significance in NEPA requires consideration of both context and intensity (CEQ 1508.27).

The largest and most in-depth document is an Environmental Impact Statement (EIS), which is prepared for actions that will significantly affect the environment (23 CFR parts 771.123 - 771.125). The middle document is an Environmental Assessment (EA), which is prepared for actions where the significance of the action is not fully known (23 CFR 771.119). During preparation of an EA if it is determined, that there will be a significant impact the EA is upgraded into an EIS. If the process finds that the project will have no significant impacts then a Finding of No Significant Impact (FONSI) is issued (23 CFR 771.121). The smallest and most common document prepared is the Categorical Exclusions (CE). CE's are prepared for actions that do not individually or cumulatively have a significant impact on the environment (23 CFR 771.117).

Adequate information and input should be collected and received in order to help determine the type of "class of action". Data and information should be collected from the beginning of the project and continued on until the completion of the environmental document. WYDOT's Environmental Impact Evaluation Form 100 (Form 100) can be helpful in determining the classes of action.

### **3.1 Environmental Impact Statement**

The primary purpose of an EIS is to "serve as an action-forcing device to ensure that the policies and goals defined in NEPA are infused into the ongoing programs and actions of the federal government." Incidentally, "an EIS is more than a disclosure document ... it shall be used by federal officials in conjunction with other relevant [information] to plan actions and make decisions." 40 CFR 1502.1.

WYDOT occasionally has projects that fall into the EIS category. These projects typically involve road realignment, are located in environmentally or culturally sensitive areas, or are positive to have public opposition. The EIS process can take as little as one year or last up to 20 years, depending on the complexity of the project. WYDOT averages five to seven years to complete an EIS at a cost of approximately \$3 million. An EIS has many specific details that must be followed and these details are listed in FHWA's technical advisory 6640.8, 23 CFR parts 771.123-771.127, and 40 CFR 1502. If the project sponsor is not familiar with the NEPA process, hiring a consultant to prepare the EIS should be considered.

### **3.2 Environmental Assessments**

There are two reasons to prepare an EA. The first is because the action is not covered by a categorical exclusion and the second is to determine whether an EIS is required. After the EA has been completed, there are two options. The first is if the EA determined that there are no significant impacts, then a Finding of No Significant Impact is prepared. If the EA determines

that there is a significant impact, the EA is upgraded to an EIS. If the project sponsor is not familiar with the NEPA process, hiring a consultant to prepare the EA should be considered.

### **3.3 Categorical Exclusions**

Categorical exclusion means a category of actions, which do not individually or cumulatively have a significant effect on the human environment ... and ... for which, therefore, neither an environmental assessment nor an environmental impact statement is required (40 CFR 1508.4).

Categorical exclusions are actions, which meet the definition contained in 40 CFR 1508.4, and, based on past experience with similar actions; do not involve significant environmental impacts. They are actions which: do not induce significant impacts to planned growth or land use for the area, do not require the relocation of significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historic or other resource; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel patterns; and do not otherwise, either individually or cumulatively, have any significant environmental impacts (23 CFR 771.117(a))

WYDOT's most common document prepared is a CE. CE documents are less involved than an EA or an EIS. To assist local governments WYDOT has created a CE Template with the Form 100 already attached (Appendix A). CE's are variable and can change from project to project. Therefore, the CE template is to be used as a guidance document to help ensure that the general environmental categories are addressed.

## **4.0 Instructions for WYDOT'S Categorical Exclusion Template**

This section will provide some guidance in completing the WYDOT CE template and the Environmental Impact Evaluation Form 100.

The template is intended to be used as a guide to help prompt what needs to be included and reviewed in the CE. The blue colored texts are notes that need to be replaced with the information that it is asking for. The purple colored texts are questions that need to be answered. All questions need to be addressed. The format of how the questions in purple are answered is variable. The questions can be left as written with the answer after or can be re-written to include the question(s) and answer(s) together. The black colored text needs to remain.

The CE document is signed by the preparer and organization proposing the project. An approval signature by FHWA is required.

## **5.0 Instructions for WYDOT's Form 100**

WYDOT's Form 100 is attached to the CE. Instructions for the Form 100 are as follows.

## 5.1 Severity of Impact:

In order to complete this portion of the form, input must be received from private and public entities, previous coordination efforts, public involvement, personal knowledge of the project, past experience, and the results of any environmental studies that have been conducted. A mark is placed in the appropriate column, indicating the impact level as significant, minimal, no impact, or none there.

The following definitions are provided to assist in determining the level of magnitude of the impact of the project:

Significant means the perceived impact is significant in the sense of the use of the term by CEQ regulations (CEQ 1508.27).

Minimal means that the project involves an environmental issue and a perceived impact, which may range in level of magnitude varying from minor to moderate.

No impact means the project has been evaluated for an environmental issue and the issue exists, but there is little or no impact.

None there means that the environmental issue in question is not a part of or in any way involved with the project.

## 5.2 Remarks:

The remarks section is used for short documentation explaining the selected level of magnitude of the impact. If the documentation is longer than one line then it needs to be addressed in the body of the CE document.

## 5.3 Environmental Impacts

### - Social Impacts:

- **Land use changes:** Consider any potential for the project to induce secondary development or change area land use.
- **Community Cohesion:** Consider any potential for the separating or isolating of neighborhoods, changing travel patterns, affecting access or parking and other variables of local community concern.
- **Relocation Potential:** What is the relocation potential? Estimate the number and type of relocations and consider the impact to sensitive groups.
- **Churches and schools:** How will the proposed action affect schools and churches in the project areas (i.e. increase/decrease traffic congestion, increase/decrease pedestrian congestion, impacts to access of schools or churches, etc.)? Identify those properties on the project by name and any potential involvement.
- **Controversy Potential:** Consider any areas of controversy that could arise as direct or indirect results of this project.

- **Energy:** Does the project have the potential to affect the development of energy resources (oil, gas, uranium, coal, wind, etc)?
- **Utilities:** Discuss any involvement with utilities. Are there utilities and will they have to be relocated.
- **Designated Emergency Routes:** Consider any designated emergency routes for hospitals, police departments and fire stations.
- **Environmental Justice:** Is the proposed action going to have an adverse impact on low-income and minority populations.
- **Public Transportation:** How will the project affect public transportation?
- **Right-of-Way:** Will the project stay within already existing right-of-way or will right-of-way need to be purchased.
- **Construction/Temporary Impacts:** Will construction permits be needed? Construction permits are defined as using land not owned by the agency on a temporary basis to complete the construction project. What will the temporary impacts include?
- **Pedestrian & Bicycle:** Will the project affect any existing pedestrian and bicycle pathways. What impacts will the project have on these modes of transportation?

Archaeological and Historical Impacts:

- **Historical sites and/or districts:** Consider potential involvement with properties listed or eligible for listing on the National Register of Historical Places. Include State Historic Preservation Office letter as an attachment to indicate the completion of any historical survey and its acceptance by SHPO.
- **Archaeological Sites:** Consult with SHPO to identify any previously documented archaeological sites and if there will be any impact to these areas. Include SHPO letter, any archaeological surveys that have been completed, and its acceptance by SHPO in the CE.

Section 4(f):

- **Recreational Areas:** Is there a transportation use of any fairgrounds, public open spaces, parks, state game lands, or other recreation facilities fully open to the public? De-minimis impacts need to be appropriately documented in the CE.
- **Recreational Areas:** Is there a transportation use of any archaeological sites, buildings or structures eligible or listed on the National Register of Historic Places in or near the project? De-minimis impacts need to be appropriately documented in the CE.

### Natural Environment:

- **Wetlands:** Does the project involve wetlands? Are there wetlands near the project? Has there been wetland delineation? Identify wetlands by any name assigned to them and the approximate amount of acreage in the taking. Identify the functional value of any wetlands.
- **Water Quality:** What is the potential for surface water and ground water quality impacts? Conduct a qualitative evaluation of potential project involvement.
- **Wild and Scenic Rivers:** Determine if the project is near a Wild and Scenic River. This includes work on the bed, banks, and work that will affect the free flowing condition of the Wild and Scenic River.
- **Floodplains:** Using Federal Emergency Management Agency flood insurance maps determine if the 100-year floodplain is involved with this project, the type of encroachment, potential for backwater impacts and project influence on floodplain development.
- **Farmlands:** Consider any involvement with farmlands. Contact the Natural Resource Conservation Service to determine the existence of farmlands that are prime and unique in or near the project area.
- **Wildlife and Habitat:** Consider any habitat affected or located in the project area. Contact the Wyoming Game and Fish to determine if the project will affect any species. Determine if there is a need for a biological assessment.
- **Threatened and Endangered Species:** Consider any Federal endangered or threatened species that have been observed and if there are any recorded sightings. Refer to the Endangered Species Act when evaluating this area. Refer to the US Fish and Wildlife Threatened and Endangered Species Map.
- **Vegetation:** Consider any existing vegetation that will be affected. State whether the vegetation will be revegetate and how, in general terms (i.e. native grass, trees and shrubs, broadcast seeding, hydro mulch, etc).
- **Ecosystem:** Consider the effects of the project on the community of living and non-living things that work together. Effects should be considered at the local level of the project and at a regional level. Will there be any permanent or significant impacts.

### Physical Impacts:

- **Noise:** Will there be an increase in the background noise to any noise receptors (i.e. schools, residential homes, parks, etc) in the area. Follow noise policy for all Type 1 projects (transportation projects on new alignment, alignment changes or addition of travel lanes)
- **Air Quality:** Consider if implementation of the project will cause an impact on air quality. State if the project is in a non-attainment area.
- **Temporary Impacts:** Consider potential construction impacts that are temporary such as noise, dust, and access to businesses and residences.

- **Hazardous Waste Sites / Contamination:** Determine if there are any hazardous waste sites on or near the project. Field review the project area for any possible contamination sites (i.e. active or inactive fueling stations, lube shops, mechanic shops, dry cleaners, etc). Review the Underground storage Tanks list and the Leaking Underground Storage List as provided by the Wyoming Department of Environmental Quality.
- **Visual:** Determine if there are any visual impacts caused by the project.

**Permits Required** List notable state and federal permits required; Corps of Engineers Permit, etc.

**Wetland Findings:** Discuss any mitigation measures for any wetlands that will be disturbed in the area.