



GREAT NORTHERN

CORRIDOR COALITION



NEPA Considerations

Great Northern Corridor SWOT Analysis

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Introduction

National Environmental Policy Act (NEPA) compliance is required for any project that requires what is considered a Federal Action, including federal funding, federal approval, or federal permits. NEPA is an “umbrella” act that requires documentation of compliance with other federal, state, and local regulations and laws. Most of the projects proposed for the GNC would thus require some level of NEPA documentation to show compliance and thus obtain environmental clearance to fund and construct the project.

Likely Class of NEPA Documentation

Determining the likely class of NEPA documentation will help identify the amount of time, effort and cost to obtain environmental clearance for a project. This can be particularly important if NEPA documents need to be completed by a certain date, for example to support a Federal Grant application.

According to the Federal Highway Administration (FHWA) Environmental Review Toolkit (<https://www.environment.fhwa.dot.gov/projdev/pd4document.asp>), transportation projects vary in type, size and complexity, and potential to affect the environment. Transportation project effects can vary from very minor to significant impacts on the human environment. To account for the variability of project impacts, three basic "classes of action" are allowed and determine how compliance with NEPA is carried out and documented:

- Environmental Impact Statements (EIS) are prepared for projects where it is known that the action will have a significant effect on the environment.
- Environmental Assessments (EA) are prepared for actions in which the significance of the environmental impact is not clearly established. Should environmental analysis and interagency review during the EA process find a project to have no significant impacts on the quality of the environment, a Finding of No Significant Impact (FONSI) is issued. If the process identifies significant impacts, an EIS will be prepared.
- Categorical Exclusions (CEs) are issued for actions that do not individually or cumulatively have a significant effect on the environment.

Each federal agency has developed its own NEPA guidelines. For the Great Northern Corridor, the guidelines developed by FHWA and Federal Railroad Administration (FRA) are most likely the lead for federally funded road or rail projects. There may be some projects that have other lead Federal agencies, for example for some types of rail projects, the Surface Transportation Board; for projects that are located on Federal lands, US Forest Service or Bureau of Land Management; for projects that impact Navigable Waters, US Coast Guard or US Army Corps of Engineers; or for projects that cross the international border, US Department of State.

As there are numerous potential projects located in numerous locations along the GNC, it isn't possible to specifically identify the level of NEPA documentation needed for each. That will be determined by collaboration between the project sponsor and the lead Federal agency. That said, here are some general rules-of-thumb for estimating the likely class of NEPA documentation for types of projects along the Great Northern Corridor.

Categorical Exclusions

These projects are likely to be small, relatively inexpensive, and have minimal impacts to economic, social, or natural environmental resources. Many non-construction projects such as studies, training projects, or purchase of safety supplies, would qualify as CEs.

Maintenance or repaving roads without increasing capacity, or improvements to signals or grade crossings, constructing turn lanes, siding tracks, or reducing congestion by removing short road or track bottlenecks, particularly those with minimal need for additional right-of-way, also are likely to be examples of projects that fit the CE class of action. FHWA and FRA have developed lists of types of projects that meet the CE category. More information on CEs from these agencies, as well as the current lists of CEs, can be accessed at these websites:

<https://www.environment.fhwa.dot.gov/projdev/docuce.asp>

<https://www.fra.dot.gov/Page/P0550>

Environmental Assessments

Projects that would require an EA are generally larger or more expensive than CE type projects. Some specific examples of projects that are likely to require an EA include grade separation projects, roadway or railroad capacity improvements, projects on new alignments that require large amounts of right-of-way, that potentially impact sensitive environments, or that are likely to generate public controversy. More information on FWHA EAs and the FRA NEPA process can be found here:

<https://www.environment.fhwa.dot.gov/projdev/docuea.asp>

<https://www.fra.dot.gov/Page/P0215>

Environmental Impact Statements

Projects that would require an EIS are known to have significant impacts to social, economic, or natural resources. These could include very large projects that extend over many miles, that substantially change the transportation network, or that cost many millions of dollars. Adverse impacts to threatened and endangered species or their critical habitat; damage or destruction of historic properties, such as historic bridges; numerous relocations of residences or businesses; or projects that require large amounts of Federal right-of-way or other major Federal actions, are likely to trigger the requirement for an EIS. More information on the FHWA EIS process can be found here:

<https://www.environment.fhwa.dot.gov/projdev/docueis.asp>

Multi-Jurisdictional Projects

NEPA projects that are located in more than one jurisdiction, such as projects that more than one state DOT is sponsoring, may have additional issues to address, such as:

- Determining the lead project sponsor
- Coordinating with more agencies (two or more SHPOs, State wildlife or environmental quality agencies, FHWA State offices for example)
- State and local regulations that are differ
- Federal guidelines that do not match exactly
- International regulations and laws that differ

For very large projects, particularly those made up of a number of smaller component projects on a single corridor, a Tiered NEPA process may be most appropriate. The Tiered NEPA document (usually an EIS) would describe and address the general impacts from the entire large project, and would provide the basis for a number of smaller NEPA documents (EAs and CEs) for easily documenting the individual component impacts. This way, smaller projects that are part of a much larger project would not need to be held to a higher level of NEPA documentation simply because of their inter-related actions with other proposed projects.