



Environmental Concerns in Project Planning

TDOT / Local Program Coordination

- Chattanooga-Hamilton County
- North Georgia Transportation Planning Organization
- Chattanooga-Hamilton County Regional Planning Agency
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**Environmental Documentation
Office**

Local Programs

TDOT Environmental Division

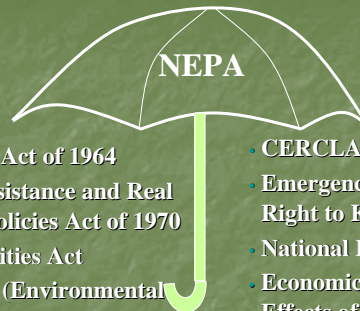
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NEPA

National Environmental Policy Act

- Procedural not substantive - process not decision
- Considerable deference given to the lead agency
- “Hard look” at significant environmental impacts
- Inform decision makers
- Reasoned decision
- Inform and involve the public
- Administrative Record

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...

NEPA Process Options

- **Classes of Action**
 - **Class 1: Environmental Impact Statement (EIS)**
 - **Class 2: Categorical Exclusions (CE)**
 - **Class 3: Environmental Assessment (EA)**
- **FHWA will determine Class of Action**

Important Elements of the NEPA Process

- **Purpose and Need**
- **Alternative Development**
- **Impact Identification**
- **Public Involvement (Early and Often)**
- **Coordination**
- **Mitigation: Avoid, Minimize, Compensation**
- **Documentation**

Categorical Exclusion

- **CEQ** - actions which do not individually or cumulatively have a significant effect on the human environment
- **FHWA** - actions which meet the CEQ definition and, based on past experience with similar actions, do not involve significant environmental impacts

Neither an EA nor EIS is required 40 CFR 1508.4
23 CFR 771.117(a)

Types of Categorical Exclusions "C" list

- 23 CFR 771.117 (c) The listed actions meet the criteria for CEs in the CEQ regulation (Section 1508.4) and Sec. 771.117(a) of this regulation and normally do not require any further NEPA approvals by the Administration and as the proposed environmental document does not require approval by FHWA, TDOT would make the call on what agency review is required.

Programmatic CE is a statement of condition.

- TDOT and FHWA concur in advance with the classification as Categorical Exclusions (CEs) for certain projects identified in 23 CFR Part 771.117(d) which meet the conditions identified in this document. TDOT certifies that the conditions identified in this document will be satisfied for all projects classified under this programmatic process.

"D" List CE

- CEs, as defined in 23 CFR 771.117(d), are those actions with a higher but still minor potential for environmental impacts. The "D" list includes a list of 12 actions that past experience has shown are appropriate for a CE classification.

At a minimum, the CE documentation would include the following:

- *1. A statement of the Purpose and Need to include a description of the existing conditions, including the immediate surrounding area;*
- *2. Description of the proposed action;*
- *3. Discussion of any specific areas of concern, such as wetlands, relocations or Section 4(f);*
- *4. A list of other Federal actions required for the proposal; and*
- *5. Any concurrence letters from the State Historic Preservation Officer (for archaeological and/or historic architectural resources) and US Fish and Wildlife Service (for endangered species).*

The Environmental Division has already committed to:

1. **Provide you with the example documents** for your use to in preparing your Purpose and Need Statement as to be used in making a document determination and to accomplish the necessary coordination with the TN-State Historic Preservation Office (TN-SHPO) and the US Fish and Wildlife Service (USFWS). The Environmental Division will advise you of any other necessary agency coordination. All coordination letters and technical reports will be prepared in accordance with this guidance and/or ED Scopes of Work. All coordination letters and technical reports will be sent to this office for review prior to submission to any coordination agency. This process is not be confused with either the Initial Coordination Process or the TESA Coordination Point Process as required for Environmental Assessment (EA/FONSI) or the Environmental Impact Statement (EIS).
2. **Undertake the sole responsibility** to determine the necessity for and the conduct of all coordination with the **Native American Tribes**. This is a sovereign nation to sovereign nation process in which TDOT acts as agent for US DOI FHWA. We will furnish you with copies of the NAC letters and any responses.

3. **Will conduct all PM2.5 investigations** and the coordination for and the issue of the clearance reports for those Local Governments in the Air Quality PM2.5 Nonattainment Areas.
4. **Issue the necessary blanket coverage** statements or level of study necessary for Air Quality, Mobile Source Air Toxic's (MSAT) and Noise evaluation
5. **Issue guidance** and "no new Right of Way required" clearances for **Hazardous Materials**.
6. **Provide the appropriate pages from the most current Transportation Improvement Plan if you are not part of a MPO.**
7. **Issue the "Typical Cross Sections"** drawings for sidewalks, greenways, and traffic control signs to be used as general guidance.
8. **Prepare a draft of the Categorical Exclusion (CE)** using the new template form. This draft will be used by your staff in completing the CE. The Draft CE will undergo a final review by this office. I will then issue the signed CE. A completed and signed CE will be returned to you for your records

This CE is valid for three years with no further action required on your part other than to email this office and inform us when you intend to start construction. If after three years your project is not constructed, you are required to submit a one page reevaluation. We will furnish you with the proper form.

If your government has a Greenway or other such Plan for the entire jurisdiction, we may be able to **prepare one environmental document to incorporate the areas outside of the current project area**. I can review your plan, prepare the necessary revisions to the draft CE to incorporate the additional locations, and return it for your review.

It is important that you remember that **the environmental project limits and the construction project limits are not the same thing**. Your environmental clearance may be divided into as many or as few construction projects as your current or future budget may allow.

If you wish to manage the project(s) for yourself and do not yet have a consultant or if you need specialist consultants, **TDOT will provide you a copy of the current Environmental Division consultants for your use**.

Permits

- NPDES – Construction General Permit
- Corp of Engineers
- TVA
- TDEC – ARAP – Steams and wetlands