

Welcome

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Session Goals

- Provide an understanding of NEPA principles and the essential elements of the NEPA decisionmaking process to foster stewardship and environmental streamlining in transportation project development --- as related to EJ
- Provide insight of related laws
- Briefly review selected active NEPA activity in the state of West Virginia

National Environmental Policy Act of 1969

Declare a NATIONAL POLICY which will encourage productive and enjoyable harmony between man and his environment to...

- prevent or eliminate damage to the environment
- stimulate the health and welfare of man
- enrich the understanding of ecological systems and the natural resources important to the nation
- **WHAT ABOUT ENVIRONMENTAL JUSTICE???**

NEPA Federal Responsibility

- Act as trustees of the environment
- Assure safe, healthful, productive, esthetically and culturally pleasing surroundings
- Attain widest range of benefit without degradation or undesirable and unintended consequences
- Preserve important historic, cultural, and natural aspects
- Achieve a balance between population and resource use
- Enhance the quality of the environment

- Use a systematic and interdisciplinary approach
- Give appropriate consideration to the environment along with economic and technical considerations
- Include in proposals, a detailed statement on
 1. environmental impacts of the action
 2. adverse impacts which cannot be avoided
 3. alternatives to proposed action
 4. consequences of taking proposed action
- Consult with Federal and other agencies
- Involve the public
- This is where EJ documentation begins to take shape

- Purpose, Policy, and Mandate
- Implement “action forcing” provisions of NEPA
- Comply with procedures and achieve goals
- Promote better decisions not better documents
- Integrate NEPA with other planning / processes
- Encourage and facilitate public involvement in decisions
- Consider reasonable alternatives to avoid and minimize adverse effects
- Reduce paperwork and delay

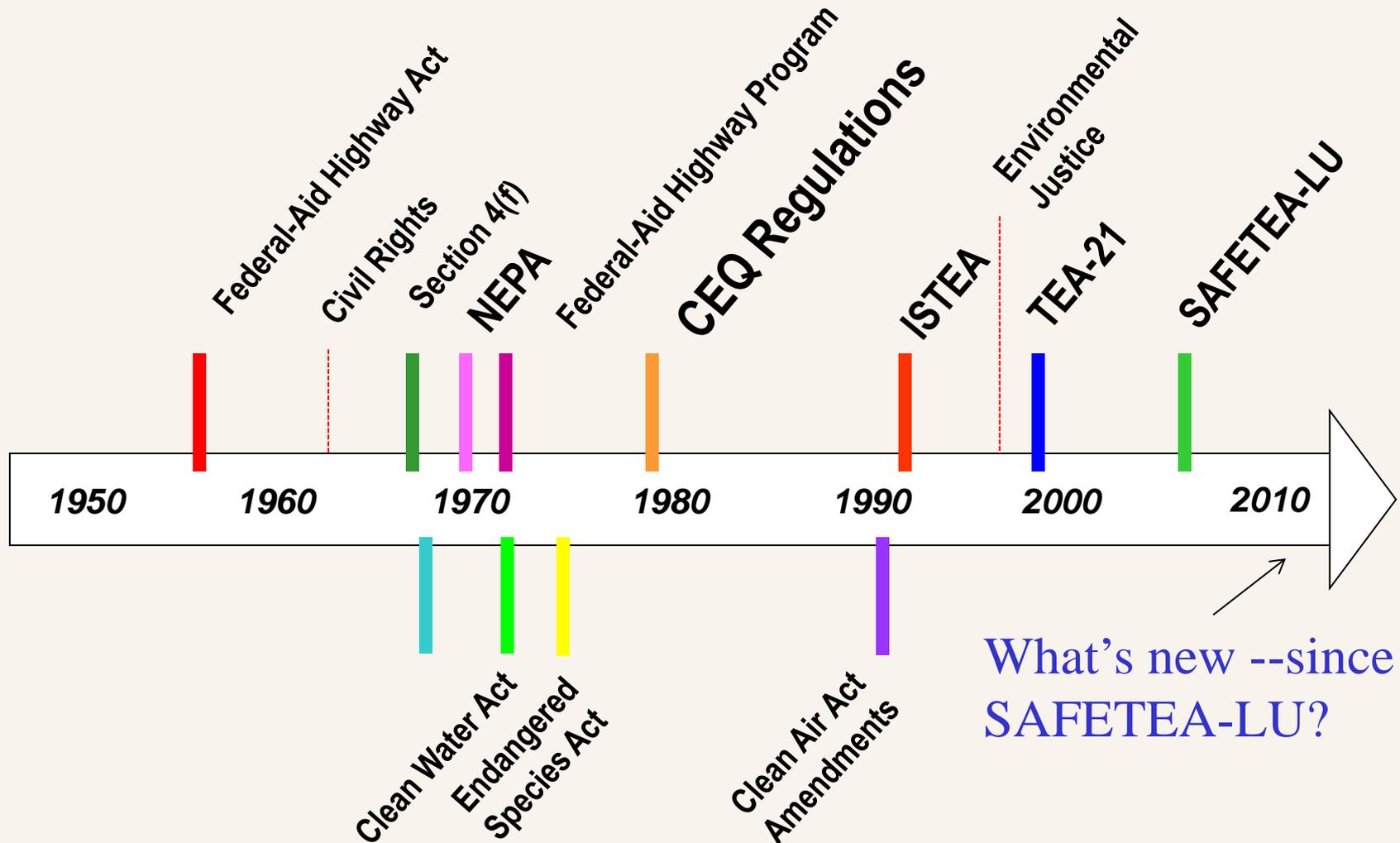
Policy

- Coordinate environmental investigations, reviews, and consultations as a single process
- Comply with all applicable requirements
- Evaluate alternatives
- Make decisions in the best overall public interest
- Involve the public and agencies
- Use systematic and interdisciplinary approach
- Mitigate adverse effects

Project Development

- Early and continuous public and interagency coordination and cooperation
- Meaningful evaluation of alternatives and avoidance of commitments before full evaluation (logical termini)
- Public involvement and hearing procedures
(include demonstration of EJ public involvement)
- Timing: final design, property acquisition, construction ... shall not proceed prior to CE, FONSI, ROD
- Approval ... constitutes acceptance of the general project location and concepts

Legislative Influences on NEPA

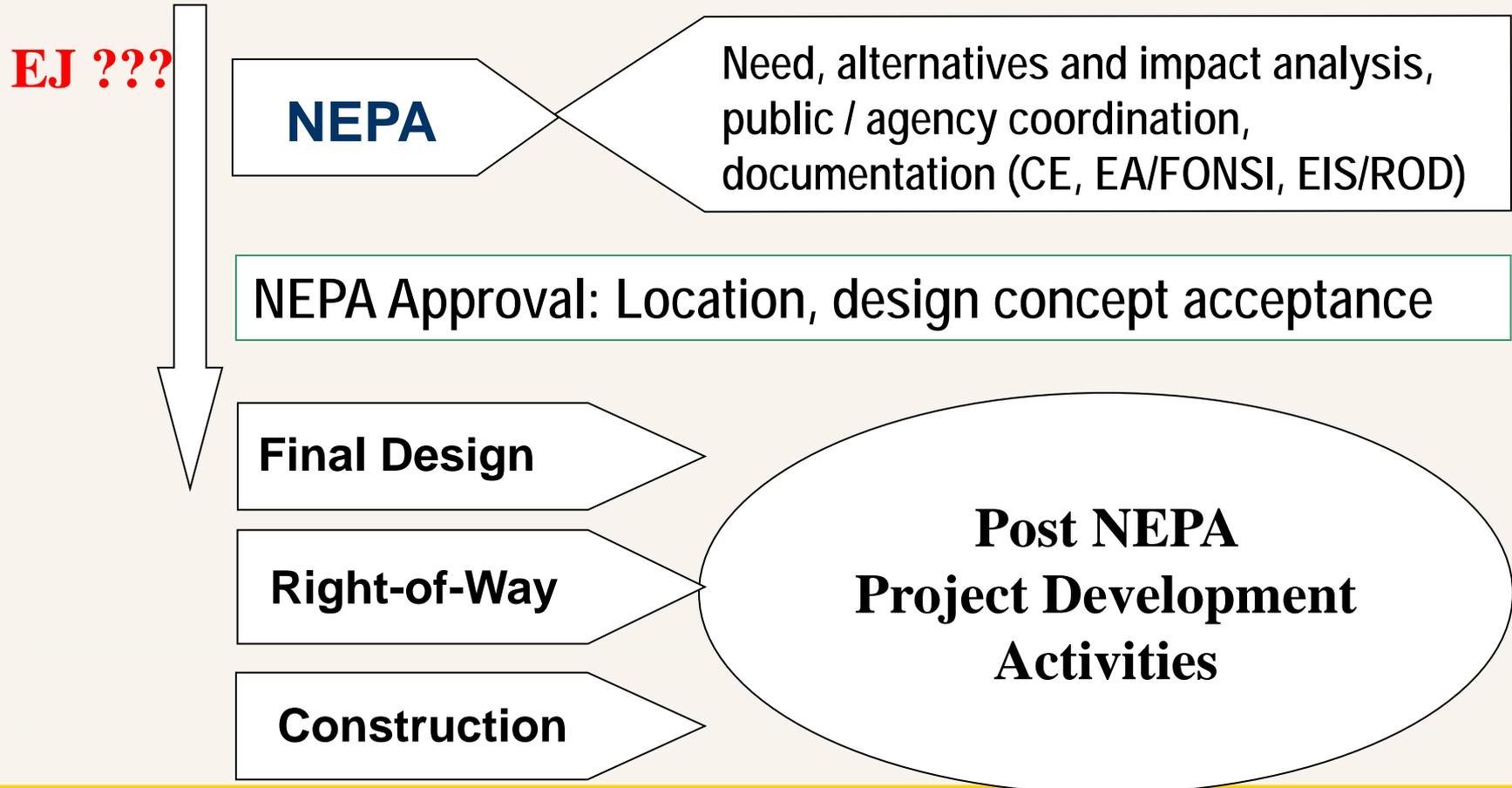


Standards of Review

NEPA is a procedural law,
NOT a substantive law

EJ is an Executive Order

Transportation Project Development Process



- Systematic and interdisciplinary approach
- Investigations, reviews, consultations and compliance coordinated as a single process
- Meaningful evaluation of alternatives
- Early and continuous interagency and public involvement
- Mitigate adverse effects
- Decisions made in the best overall public interest
- Some activities shall not proceed before CE, FONSI, ROD
- Acceptance of general project location and concepts

- 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
- Clean Water Act 404
- Executive Order 11988 (Floodplain Management)
- Executive Order 11990 (Protection of Wetlands)
- Endangered Species Act
- Farmland Protection Policy Act
- Solid Waste Disposal Act
- Resource Conservation and Recovery Act of 1976



- Noise 23 CFR 772
- Wetlands 23 CFR 777
- National Historic Preservation Act
- Economic, Social and Environmental Effects
- Highway Noise Standards
- Public Hearing Requirements 23 USC 128
- Archaeological and Historic Preservation Act
- Archaeological Resources Protection Act
- AND much, much MORE...

- Purpose and Need
- Alternatives
- Impacts
- Mitigation
- Public Involvement
- Interagency Coordination
- Documentation

Purpose and Need

- Provides critical foundation for successful decisionmaking
- Provides basis for reasonable alternatives, evaluations and comparisons

Development and Analysis of:

- Reasonable alternatives
- Reasonable range
- No-Build / No-Action
- Avoidance / minimization

QUESTION --- If there is an EJ population present, how much are they impacted?

Impacts and Mitigation

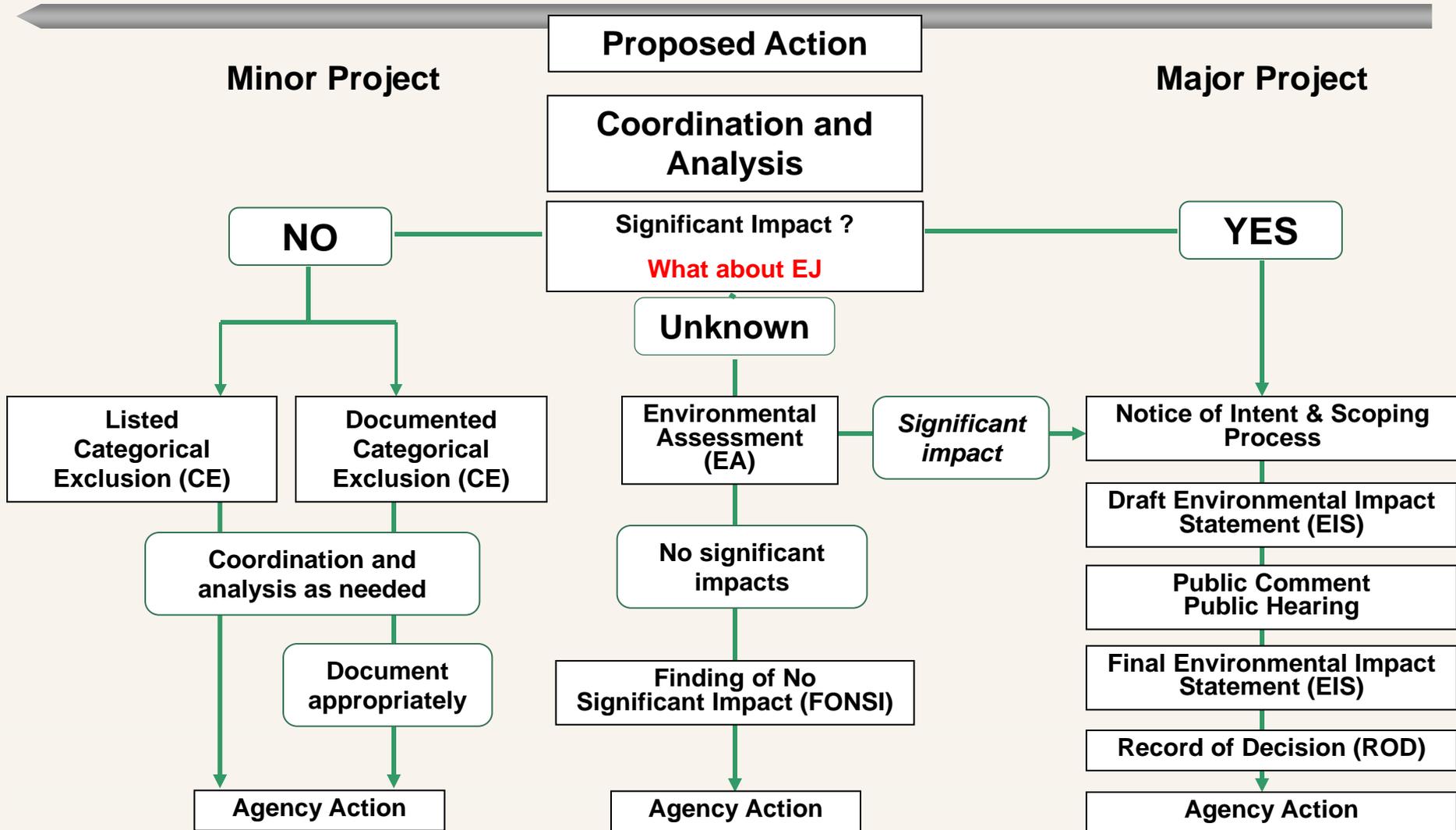
- Environment
- Impacts
- Mitigation



- Stakeholders (How do you handle EJ populations???)
- Process
- Hearings and meetings
- Scoping
- Alternative Dispute Resolution (ADR)
- Commenting

- Evidence analysis of alternatives and impact and compliance
- Informs decision makers
- Essential to involvement and coordination
- Solicit comments
- Full (and fair) discussion
- Administrative Record
- If there is EJ Documentation, it should be included or referenced in the NEPA Document

NEPA Processing Options (Classes of Action)



- Address delay in the NEPA process
- Improve NEPA process performance
- Coordinated review
- Established time frames
- Fund resource agencies positions
- Alternative Dispute Resolution – ADR
- Management of the NEPA process

What to include in your Documentation

Three Main Components:

Document
Summary

EJ Documentation
referenced

Main Body

EJ Documentation

Appendices and
Technical Reports
EJ Documentation

- Purpose and Need
- Alternatives Considered
- Environmental Resources, Impacts and Mitigation
- Public Comments and Agency Coordination
- Section 4(f) Chapter⁰
- Comparison and Selection of Alternatives

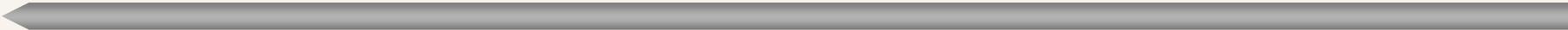
⁰Could be in main body or appendices

- Description of proposed action
- Other actions and proposals in the area
- Reasonable alternatives
- Major environmental impacts
- Areas of controversy
- Unresolved issues if any
- Other federal actions
 - (404 permit, 106 agreement, etc.)

Where does EJ fit in the NEPA Documentation?

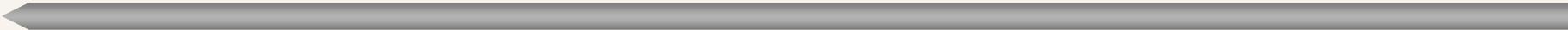
- Section 4(f) - Parks, recreation, refuges and historic properties
- Section 6(f) - (LWCFA)
- Section 106 (NHPA) - Historic property
- Section 404 (CWA) - Wetlands
- Section 7 (ESA) - Threatened and endangered species
- Conformity - (CAAA)
- Section 9 - Bridge Permits
- Others

- HART Rail
- Coalfields Highway
- Corridor H
- East Beckley Bypass



Reference the HART Project Example





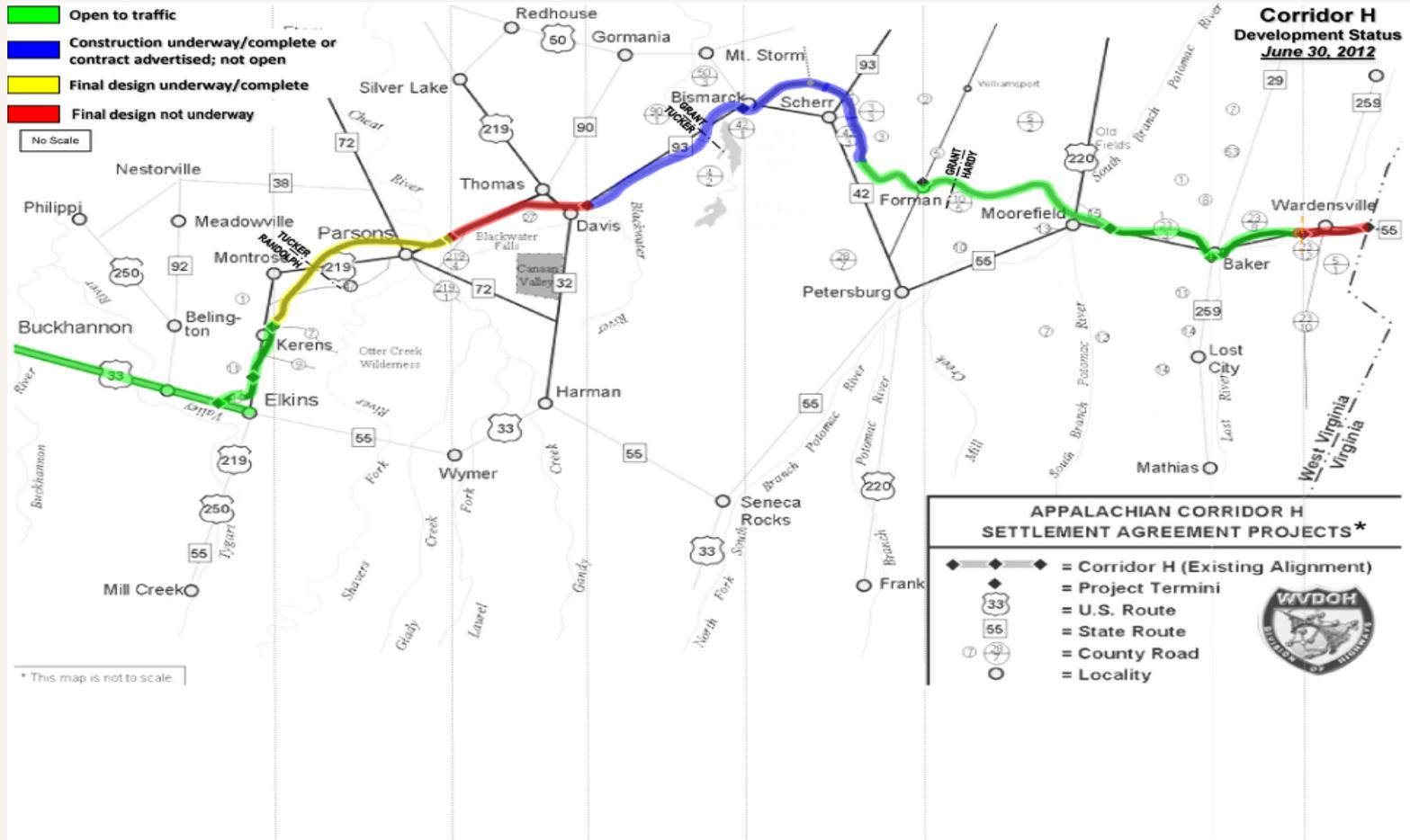
The Coalfields Expressway has been designed to serve an area from Interstates 77 and 64 near Beckley southwest through West Virginia to Virginia Route 83 in Buchanan County, VA at Slate. The Expressway will generally follow West Virginia Route 16 through Raleigh and Wyoming Counties, and West Virginia Route 83 in McDowell County. This four-lane highway project, 62 miles long, is now approaching its construction phase.



Corridor H

Corridor H extends across central West Virginia. To travel from Elkins through Thomas and Scherr to Moorefield, and thence to the Virginia border, motorists now must drive more than 119 miles along U.S. Route 219 and West Virginia routes 93, 42 and 55. Corridor H has been designed to open up this section of West Virginia so motorists may make the trip in greater safety and comfort, while still being able to enjoy the spectacular scenery.

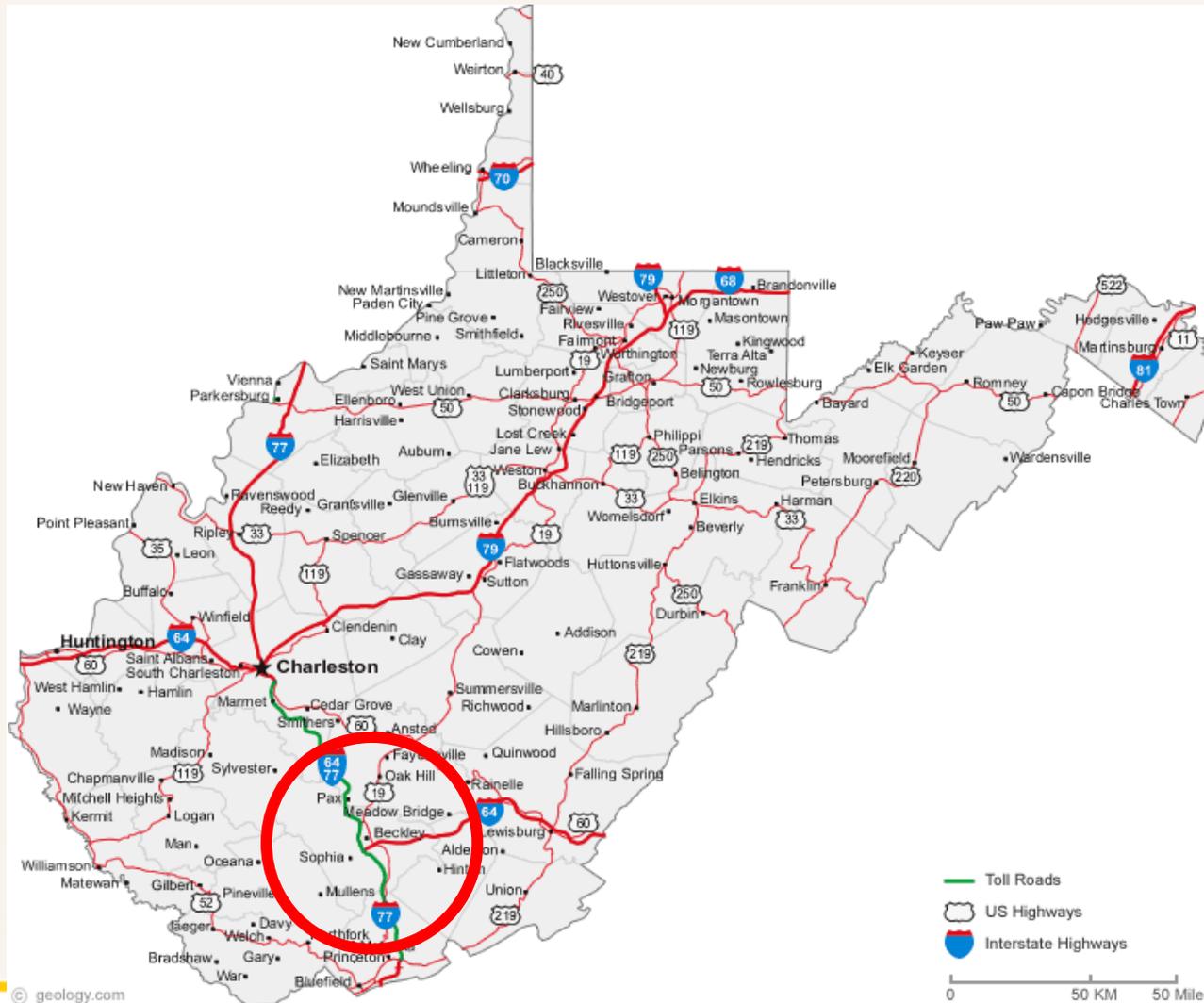
Corridor H



East Beckley Bypass

The East Beckley Bypass is the proposed construction of a new corridor that will roughly follow the existing US 19 route (Eisenhower Drive) from and to the eastern boundary of Beckley. The study portion of US 19 begins at the I-64 interchange on the southeast side of Beckley and extends northward to the Corridor L (US 19) interchange just north of Prosperity.

East Beckley Bypass



Questions?

