

Environmental Analysis NEPA Documents – Environmental Assessment / Finding of No Significant Impacts

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Review and Approval

APPLICABILITY

Projects that involve federal actions must comply with the National Environmental Policy Act (NEPA). For projects with the Federal Highway Administration (FHWA), this compliance is through review and approval of one of several different types of NEPA documents. For certain types of transportation projects—such as widening or capacity adding projects, or projects where it is either anticipated or not known if the project will result in individually or cumulatively significant environmental effects—an Environmental Assessment (EA) document is prepared. Based on the findings and analysis in the EA, one of two decisions are reached by FHWA:

- > For projects where it is evident there are no significant impacts associated with the project a Finding of No Significant Impact (FONSI) is issued
- > If during preparation of the EA, or if the conclusions from the analysis determine that the project would result in significant impacts, an Environmental Impact Statement (EIS) must be prepared.

This guidebook focuses on considerations for preparation of an EA and the separate decision document, the FONSI.

REGULATIONS, GUIDANCE, AND POLICY

EA documentation is defined by federal laws and regulations and is developed by policies, guidance, and agreements between FHWA and GDOT.

National Environmental Policy Act (NEPA)

The NEPA of 1969 is an umbrella law that encompasses a wide range of environmental laws. It requires that federal agencies consider environmental consequences when developing their projects and programs. NEPA also requires that the agency taking the federal action issue a public environmental document to disclose the decision-making process and environmental impacts of the project.

The Council on Environmental Quality (CEQ) was established as part of NEPA to aid federal agencies with implementation of NEPA requirements. The CEQ has published several documents in support of this mandate, including *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act* (40 Code of Federal Regulations [CFR] Parts 1500-1508). These regulations are periodically updated and revised, most recently in 2020.

Federal Highway Administration (FHWA)

A transportation project's potential to impact the environment varies. FHWA regulations, 23 CFR 771.115, define projects and their documentation under three classes of action:

- > Class I, EIS are prepared for projects whose action will have a significant effect on the environment.
- > Class II, Categorical Exclusions (CE) are prepared for projects that do not individually or cumulatively have a significant environmental effect.
- > Class III, EA are prepared for projects in which the significance of the environmental impact is not clearly defined. All actions that are not Class I or II are Class III. All actions in this class require the preparation of an EA to determine the appropriate environmental document required.

EA Projects

FHWA has determined that based on the likelihood of significant environmental impacts, certain types of projects, such as a major road widening and new location roadways, should be analyzed and evaluated with an EA. However, unlike CEs, there is not a definitive list of project types that always require an EA to comply with NEPA.

Environmental Assessments 23 CFR 771.119,
Federal Highway Administration

The key consideration for determination of use of an EA are the environmental impacts from the project, not the type of project. If the appropriate level of documentation is not clear to comply with NEPA entering into a project development, coordination should occur between the Office of Environmental Services (OES) and FHWA.

Unlike with the use of CE or EIS where the significance of environmental impacts is more definitive, a clear discussion of the affected environment and analysis of effects from the project are crucial for an EA, since the end result is less defined or unknown. Because the significance of the environmental impacts is less defined or unknown, one of the most important steps is data gathering and input from stakeholders before beginning to develop the analysis.

Although the decision from the EA may be that further analysis is necessary through an EIS, the remainder of the discussion in this guidebook will assume the EA process would conclude with a FONSI.

DEVELOPMENT

In addition to technical studies that identify and assess effects to resources in the cultural, natural, social, and physical environments, obtaining data and information is not only broader in scope but more robust in the analysis than requirements for a CE. First, because the level of impact from the project is either unclear or unknown, more information is required to prepare a thorough analysis of the impacts. Second, because the EA process includes multiple alternatives, information is required for impacts from all the alternatives considered and carried forward in the EA.

Many of the Guidebooks that GDOT has developed are applicable to preparation of an EA. Information that is crucial to a thorough analysis in the EA and references the existing guidebooks where applicable is discussed below. However, this is not a definitive list of all information required for a successful EA. The Environmental Analyst preparing the EA should have a good understanding of the project and impacts based on the steps discussed below, before describing the findings in the EA document.

- > **Initial Critical Data Needs:** Much of the effort with an EA involves “front end” work to gather data and information from numerous sources before beginning to write the document. The Early Activities Guidebook provides more detailed examples of information needed and sources to consider.
- > **Need & Purpose:** A strong, clear Need and Purpose (N&P) statement is critical for an effective EA. Putting it bluntly, without a clear N&P, the Environmental Analyst likely will not have an effective EA, and could result in delays during review of the document. The need for the project should state the problem(s) to be addressed and should be supported with data, studies, and plans that clearly show the problem(s). The purpose of the project should discuss the positive outcomes that would be realized with the transportation improvements. The N&P Guidebook provides more information about how to develop an effective N&P statement.

GDOT, in coordination with FHWA, has developed a template to document for developing and supporting the projects N&P. The document, known as the Need, Effectiveness and Logical Termini (NELT) Justification Form, provides guidance for the process to support the logical termini. For an EA, it is suggested that the

Environmental Analyst coordinate with OES NEPA management to develop this document for review and approval in advance of EA submittal.

- > **Project Alternatives and Analysis:** The EA should include several alternatives for analysis. While there is no required number of alternatives to consider, there are usually at least three; a preferred alternative, a no-build alternative, and at least one other build alternative besides the preferred. Any of the build alternatives that meet the project N&P should be carried forward throughout the EA for analysis. Because the EA includes several alternatives to solve the transportation need, the EA can also be a useful planning tool for stakeholders. Further information on this process can be found in the Alternatives Analysis Guidebook.
- > **Logical Termini:** Establishing logical termini for the project is related to development of the N&P and project alternatives. The logical termini are developed early in the process, before identification of resources and assessing effects of the project begins. Logical termini are not developed from the results of the analysis, but rather establish the rational endpoints for the project. By defining the logical termini early in the EA process, it establishes boundaries for environmental resource surveys of sufficient size to accommodate any alternatives considered and avoids delay in the NEPA analysis.
- > **Stakeholder Identification and Coordination:** Identification of stakeholders is important in obtaining information about other projects in the area, concerns about the project, and input to be considered with the design. The term “stakeholders” does not just mean the residential public in the area of the project, and it also is not just those stakeholders that live, own, or manage property adjacent to the project. It can include project sponsors from the city or county; local, state, and federal agencies; businesses; and organizations that could be affected by the project, in addition to the public living along or near the project. When developing a list of stakeholders consider stakeholders that may not be living adjacent to the proposed transportation improvement but may be affected by the project. For example, it may affect delivery routes for a local business.

Also, because the EA may evaluate impacts from several alternatives, there may be different stakeholders for each alternative. For example, one build alternative may potentially impact a boat ramp managed by Georgia Department of Natural Resources (GADNR) that wouldn't be impacted by the preferred alternative. The GADNR should still be considered a stakeholder and included in outreach efforts.

The approach for connecting with stakeholders and requesting their input can take several formats, including using GDOT template letters, required meetings in the GDOT Plan Development Process such as the Initial Concept Team Meeting and Concept Team Meetings, or specific, targeted meetings to groups of stakeholders that may not be included in normal outreach efforts. Additional resources for outreach to stakeholders can be found on the GDOT NEPA Sharepoint site and the Early Activities Guidebook.

For complex projects with numerous stakeholders, and where various outreach techniques may be effective, it is suggested that a Public Outreach Plan be

developed for the project. The Environmental Analyst should coordinate the level of effort, outreach strategy, and comprehensive stakeholder list, and the plan should be reviewed by GDOT and FHWA for input to avoid delays in the project resulting from missed outreach opportunities. The Public Outreach Plan should comply with the GDOT Public Involvement Plan (PIP). GDOT PIP has prescribed timeframes and step-by-step procedures for certain outreach activities (i.e., public involvement meetings) and includes proper lines of communication for documentation approval through GDOT.

Public Involvement Plan for NEPA Projects, Georgia Department of Transportation

- > **Community Impact Assessment:** Assessing community impacts from the project, including for all alternatives considered, is an important planning tool for the EA process. Attempts should be made to identify community impacts early in the EA process to begin to develop avoidance or minimization strategies, where possible. The assessment should include, but not be limited to, Environmental Justice (EJ) communities. It should identify direct impacts to communities, such as change in access, as well as effects from, but not directly associated with, the project (for example construction of a new alignment roadway in a rural farming area that is intended to facilitate development of an industrial park).

The community impact assessment should include a thorough analysis for EJ communities and impacts from the project. If EJ communities are anticipated to be present and potentially impacted from the project, the Environmental Analyst should prepare an EJ Analysis. GDOT does not have a template for this type of document but it should include a discussion of the efforts to identify EJ communities, potential impacts from the project, and alternatives considered. This document should incorporate a four step process to identify EJ communities: 1) review of current census data, 2) comments from public outreach efforts related to the presence of or concerns from EJ communities, 3) interviews with local officials and stakeholders for their knowledge of the location of EJ communities, and 4) field surveys. While not required for FHWA approval prior to the EA, information from the EJ Analysis is included in the EA and can be an effective planning tool to avoid or minimize impacts from the project to these communities.

- > **Development of the Environmental Survey Boundary:** The Environmental Survey Boundary (ESB) should be provided by the design engineers and sets the limits for identification of environmental resources and assessing impacts from the project to prepare technical studies. The ESB is related to and should be developed along with defining the logical termini and for the range of alternatives to be considered.

- > **Other Considerations That Can Have an Impact on the EA Process:** The process of surveying for and assessing impacts to environmental resources is similar to the process for a CE. However, there are two particular circumstances that could arise from project impacts that can have an impact on the EA process because of the level of documentation, analysis, and coordination that is required to complete the process of determining the significance of environmental impacts.
 - **Practicable Alternatives Review for Section 404 Individual Permit and Regional General Permit 35:** If it is likely that alternatives from the project will result in impacts that require an Individual Permit (IP) or a Regional General Permit (RGP) 35 from the US Army Corps of Engineers, a Practicable Alternatives Review (PAR) is required, and involves coordination and meeting with several federal agencies, comparison of potential impacts from the alternatives considered, and discussion of potential minimization and avoidance efforts. An involved discussion of 404 permit and PAR processes is beyond the scope of this Guidebook, and more detailed information can be found in a series of Ecology Guidebooks. But coordination of the PAR and the IP process can be lengthy activities and should be accounted for in the EA process if known or anticipated early on.
 - **Individual Section 4(f) Evaluation:** Section 4(f) of the US Department of Transportation Act relates to the transportation use of certain types of resources including publicly owned public parks, recreation areas, wildlife or waterfowl refuges, or any publicly or privately owned historic site listed or eligible for listing on the National Register of Historic Places. A detailed discussion of the Individual Section 4(f) Evaluation requirements can be found in the Section 4(f) – Overview and Section 4(f) – Step by Step Guidebooks. However, for purpose of discussion in this Guidebook it is important to identify Section 4(f) resources within alternatives considered in the analysis and whether the project is anticipated to result in a transportation use of these resources to the extent that an Individual Section 4(f) Evaluation may be required. This document, as well as coordination and review, can add significant time and analysis to the EA process.

DOCUMENT PREPARATION

The major documentation for an EA involves the analysis itself (the EA document), the decision document (the FONSI), and Public Hearing outreach efforts, comments received, and responses.

Environmental Assessment

The EA document should clearly, but briefly, describe environmental resources within the alternatives considered and describe impacts to these resources from the proposed project. The EA should be a short document, but clearly and concisely describe project impacts. It should also be easy to understand, as the document will eventually be made

available to the public for their review and comment. The level of discussion should be developed so that it can be understood by the general public, most of whom will not have backgrounds or experience in transportation projects, environmental regulations, or NEPA. The Environmental Analyst should avoid overly complex discussions that include an abundance of environmental or engineering jargon, abbreviations, and analysis that distracts from the discussion. While engineering concepts and regulations may be required to support the analysis, their inclusion should not be so extensive that they do not add to the evaluation or distract from the purpose of the EA. Because of the requirements for clear and concise discussions, preparation of the EA requires a certain level of writing skill.

There has been recent emphasis to maintain prescribed page limits set in CEQ regulations. For an EA, the page limit is set at 75 pages, but does not include attachments. Any derivation from this page count requires coordination with GDOT NEPA management, and approval from FHWA.

The EA template developed by OES contains the general outline for the EA acceptable to GDOT with suggested verbiage and guidance information. It also contains a FHWA Checklist at the front of the document that contains a list of issues and topics that FHWA has identified to consider when developing the EA.

While a single template cannot address every possible situation that may arise in the EA process, Environmental Analysts are encouraged to minimize deviation from the template as much as possible, and discuss unusual circumstances that require modification prior to finalizing and submitting the document for review.

There are four main sections to the EA template (five if a Section 4(f) Evaluation is necessary). The first section is the background and justification for the project and includes the N&P and logical termini discussions, as well as the planning basis for the project.

The second section is the range of alternatives considered. As mentioned previously this includes the Preferred Alternative, No-Build Alternative, and at least one other build alternative that meets the project's N&P. These alternatives should be carried throughout the remainder of the EA analysis. There is also a place in this section for alternatives no longer under consideration. This is useful in showing the complete range of alternatives, but summarizes why they are no longer being carried throughout the NEPA analysis in the EA.

The third section is the largest section of the EA and includes a discussion of the environmental resources identified for the alternatives considered, assesses impacts from the project, and discusses avoidance, minimization, or mitigation required. The section is divided into subsections to discuss resources in the social, cultural, natural, and physical environments. Previous guidance from FHWA also required a discussion of Indirect and Cumulative Effects (ICE) for most environmental resources identified. However, recent guidance from FHWA in 2020 streamlines the definition of effects. All effects are now defined under "direct" impacts. The recent guidance removes the idea of an ambiguous time period to cover past/future actions.

The fourth section is set aside for a Section 4(f) Evaluation, if required, and the fifth section is for coordination and comments from other agencies and stakeholders (this does not

include public outreach effort and comments, as that information is provided in section three of the EA template).

Public Hearing

After FHWA's approval of the Draft EA, a public hearing phase is required prior to submitting the Final EA/FONSI. Generally, this is conducted through a Public Hearing Open House (PHOH) or an advertisement allowing the public to request a PHOH. Much of the documentation to advertise, support, and summarize the PHOH and the resulting comments and responses is similar to documentation of the typical public involvement process. Most of this documentation will be included in the attachments to the Final EA/FONSI to document the public involvement efforts in compliance with NEPA. A brief list of some of this documentation includes:

- > Advertisement in the local legal organ, and tear sheets/affidavit of the ad run dates;
- > Copies of the postcard mailed to residents and businesses within zip codes and postal routes near the project area providing notification of the public hearing, including documentation on the areas where the postcards were mailed;
- > Examples of the sign content and location advertising the public hearing;
- > Documentation of any other means or methods used to advertise the public hearing that are unique to the project;
- > Project layouts depicting the preferred alternative and environmental resources;
- > Project information (traditionally referred to as the "handout package") used to provide the public background and context of the project to aid with the project comments: N&P statement, project description, summary of environmental findings, and right-of-way acquisition process;
- > A comment card. Although the current process utilizes a web-based platform to review information and provide comment, some of the public may prefer to submit written comments. Also, if an in-person meeting is requested, comment cards would need to be available; and
- > Response letter, or letters, that includes all comments received during the public hearing process. The letter is prepared by the Environmental Analyst, but is reviewed by sponsors, design engineers, and departments within GDOT before being signed by the GDOT State Environmental Administrator.

Finding of No Significant Impact

If findings from analysis in the EA are that impacts from the project are not significant, the decision document prepared by FHWA is the FONSI. In coordination with FHWA, OES has developed a template for the FONSI document to be submitted with the Final EA. As with the EA template, guidance and instructions to complete the FONSI are included. In addition to a summary of findings and impacts from the Final EA, there are sections to complete for public involvement including comments from the public hearing phase. Any changes to

environmental resources that have occurred since the approved Draft EA are also discussed.

REVIEW AND APPROVAL

The CEQ regulations in 40 CFR 1501.10(b)(1) provide guidance for a recommended timeline to complete an EA/FONSI. Unless a senior agency official with the lead agency approves a longer period, an EA/FONSI should be completed within one year from the date of the decision to prepare the EA. Any unique coordination, such as legal sufficiency review for a Section 4(f) Evaluation, or other agency coordination, also must occur within this period. In the tables on the next page there are review periods for consideration when developing approval schedules. These review and approval times are for the documents and requirements discussed in this Guidebook only; the EA, public hearing phase, and FONSI. Approval of resource identification, assessment of effects, and any other additional agency coordination or documentation would occur prior to submittal of the EA document.

Based on the schedules below, allow approximately 18 weeks for Draft EA document approval. Following Draft EA approval the public hearing phase can begin. This phase involves numerous steps for planning, preparing materials, advertising, a comment period, and developing and submitting a response to comments letter. Some of these tasks occur concurrently, and others consecutively. The process is better detailed in the GDOT PIP. However, it typically takes 16 to 18 weeks to complete the public hearing phase. Consequently, during the analysis there may be additional coordination or documentation that was not initially anticipated. Following the public hearing phase, review and issuance of the FONSI requires approximately 12 weeks.

Each EA requires a unique analysis because environmental impacts for the particular project are unknown before entering into the process. As a result, the schedule may be impacted as unique issues arise. Under certain circumstances GDOT can request a courtesy or expedited review from FHWA to keep the project on schedule, however, this is rare and it should not be assumed that GDOT will make the request or that FHWA will agree to accelerating their review process. The project team must coordinate throughout development of the EA to determine how best to prepare for unforeseen schedule impacts.

Table 1 – Draft EA Review Timeline

Timeline Activity	Reviewer/Preparer	Duration	Document Version
Review of Draft EA	Environmental Analyst/ Team Leader Review	4 Weeks	GDOT Draft
Revisions and Resubmittal	Environmental Analyst (OES or Consultant Environmental Analyst)	1 Week	
Review of Revised Submittal	Environmental Analyst/ Team Leader Review	2 Weeks	GDOT Version 2
Revisions and Resubmittal	Environmental Analyst (OES or Consultant Environmental Analyst)	1 Week	
Review of Revised Submittal and OES Transmittal to FHWA	Environmental Analyst/ Team Leader Review	2 Weeks	FHWA Version 1
FHWA Review	FHWA Reviewer	3 Weeks	
Revisions and Resubmittal	Environmental Analyst (OES or Consultant Environmental Analyst)	1 Week	FHWA Version 2
Review of Submittal and OES Second Submittal to FHWA	Environmental Analyst/ Team Leader Review	2 Weeks	
FHWA Review of Revised Submittal and Draft EA Approval	FHWA Reviewer	2 Weeks	
<i>Total Time</i>		<i>18 Weeks</i>	

Table 2 – Final EA / FONSI Review Timeline

Activity	Reviewer/Preparer	Duration	Document Version
Review of Final EA / FONSI	Environmental Analyst/ Team Leader Review	4 Weeks	GDOT Draft
Revisions and Resubmittal	Environmental Analyst (OES or Consultant Environmental Analyst)	1 Week	
Review of Revised Submittal	Environmental Analyst/ Team Leader Review	2 Weeks	GDOT Version 2
Revisions and Resubmittal	Environmental Analyst (OES or Consultant Environmental Analyst)	1 Week	
Review of Revised Submittal and OES Transmittal to FHWA	Environmental Analyst/ Team Leader Review	2 Weeks	FHWA Version 1
FHWA Review and Final EA / FONSI Approval	FHWA Reviewer	3 Weeks	
<i>Total Time</i>		<i>13 Weeks</i>	

Guidebook Revision History

Revision Description	Relevant Sections	Revision Date
Initial Publication	All	5/21/2021
Hyperlink Update	Development	3/26/2024