

220.01	General
220.02	References
220.03	Definitions/Acronyms
220.04	Determining the Environmental Documentation
220.05	Identifying the Project Classification
220.06	Environmental Impact Statements: Class I Projects
220.07	Categorical Exclusions: Class II Projects
220.08	Environmental Assessments: Class III Projects
220.09	Reevaluations
220.10	Commitment File
220.11	Documentation

220.01 General

The term “environmental documentation” refers to the documents produced for a project to satisfy the requirements contained in the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA). The *Environmental Procedures Manual* provides detailed instructions on how to determine what level of documentation is required and how to prepare the documents. This chapter provides a summary of the relevant provisions in the *Environmental Procedures Manual*.

The purpose of the environmental document is to provide decision-makers, agencies, and the public with information on a project’s environmental impacts, alternatives to the proposed action, and mitigation measures to reduce unavoidable impacts. Final environmental documents identify and evaluate the project to be constructed. Because projects vary in their level of environmental impacts, the rules on environmental documentation allow for different levels of documentation. As a project’s impacts increase, so does the level of documentation.

The region Environmental Office and the NEPA/SEPA Compliance Section of the Headquarters (HQ) Environmental Services Office routinely provide environmental documentation assistance to designers and project engineers.

220.02 References

(1) Federal/State Laws and Codes

42 United States Code (USC) Chapter 55, National Environmental Policy Act of 1969 (NEPA)

23 Code of Federal Regulations (CFR) Part 771, Environmental Impact and Related Procedures

23 CFR Part 771.135 Section 4(f) (49 USC 303), Policy on Lands, Wildlife and Waterfowl Refuges, and Historic Sites

36 CFR Part 800, Protection of Historic and Cultural Properties

40 CFR Parts 1500-1508, Council for Environmental Quality Regulations for Implementing NEPA

Revised Code of Washington (RCW) 43.21C, State Environmental Policy Act (SEPA)

Washington Administrative Code (WAC) 197-11, SEPA Rules

WAC 468-12, WSDOT SEPA Rules

(2) Design Guidance

Environmental Procedures Manual, M 31-11, WSDOT

220.03 Definitions/Acronyms

Categorical Exclusion (CE) (NEPA) or **Categorical Exemption (CE)** (SEPA)

Actions that do not individually or cumulatively have a significant effect on the environment.

DCE Documented Categorical Exclusion (NEPA)

Determination of Nonsignificance (DNS) (SEPA) The written decision by the Regional Administrator that a proposal will not have a significant impact and no EIS is required.

Determination of Significance (DS) (SEPA) A written decision by the Regional Administrator that a proposal could have a significant adverse impact and an EIS is required.

Environmental Assessment (EA) (NEPA) A document prepared for federally funded, permitted, or licensed projects that are not categorical exclusions (CE), but do not appear to be of sufficient magnitude to require an EIS. The EA provides enough analysis to determine whether an EIS or a FONSI should be prepared.

Environmental Classification Summary (ECS) A form used to evaluate and classify projects for the construction program. The ECS supports a decision of a documented CE.

Environmental Impact Statement (EIS) A detailed written statement of a proposed course of action, project alternatives, and possible impacts of the proposal.

Environmental Review Summary (ERS) Part of the Project Summary document, the ERS identifies environmental permits and approvals. It is prepared in the region and is required for Design Approval.

Finding of No Significant Impact (FONSI) (NEPA) A federal document indicating that a proposal will not significantly affect the environment and an EIS is not required.

NEPA National Environmental Policy Act

ROD Record of Decision

SEPA State Environmental Policy Act

220.04 Determining the Environmental Documentation

The Environmental Review Summary (ERS) provides the first indication of what form the environmental documentation will take. The ERS is developed as part of the Project Summary, which is prepared during the scoping phase of all projects in the construction program. The Project Summary includes three components:

- Project Definition
- Design Decisions Summary
- Environmental Review Summary

The ERS form is found in the Project Summary database in each region. The *Environmental Procedures Manual* has detailed instructions on how to prepare the ERS. The process for classifying projects and determining the environmental document is similar for NEPA and SEPA and generally is as follows:

- Once the project has been sufficiently developed to assess any environmental impacts, the region completes the ERS based on the best information available at the scoping phase of development.
- The Region Environmental Manager then concurs with the classification by signing the ERS and returning the completed form to the region Design Office for inclusion in the Project Summary package.
- For NEPA, if a project has been determined to be a Categorical Exclusion (CE), the NEPA environmental review process is considered complete. If it is determined that a Documented Categorical Exclusion (DCE), Environmental Assessment (EA), or Environmental Impact Statement (EIS) is required, the region evaluates the project schedule and arranges for preparation of the appropriate document.
- For SEPA, the signing and submittal of the ERS completes the environmental classification process. On projects that are categorized as exempt from SEPA, the environmental process is complete unless the project requires consultation under the Endangered Species Act. On projects that do not meet the criteria for a SEPA Categorical Exemption (WAC 197-11-800 and WAC 468-12) and require a SEPA checklist (WAC 197-11-960) or an EIS, those documents are prepared as necessary prior to Project Development Approval.

The ERS allows environmental staff to consider at this early stage potential impacts and mitigations and required permits. For many projects, the Washington State Department of Transportation (WSDOT) Environmental GIS Workbench coupled with a site visit provides sufficient information to fill out the ERS (see the *Environmental Procedures Manual*).

For most WSDOT projects, the Federal Highway Administration (FHWA) is the lead agency for NEPA. Other federal lead agencies on WSDOT projects are the Federal Aviation Administration, Federal Railroad Administration, and the Federal Transit Administration (FTA).

220.05 Identifying the Project Classification

Based on the environmental considerations identified during preparation of the ERS, WSDOT projects are classified for NEPA/SEPA purposes to determine the type of environmental documentation required. Projects with a federal nexus (using federal funds, involving federal lands, or requiring federal approvals or permits) are subject to NEPA and SEPA. Projects that are state funded only, with no federal nexus that includes federal permits, follow SEPA guidelines. Since many WSDOT projects are prepared with the intent of obtaining federal funding, NEPA guidelines are usually followed. The *Environmental Procedures Manual* provides detailed definitions of the classes of projects. It lists the types of work typically found in each class, FHWA/federal agency concurrence requirements, and procedures for classifying and, if necessary, reclassifying the type of environmental documentation for projects.

Projects subject to NEPA are classified as Class I, II, or III as follows:

- Class I projects require preparation of an EIS because the action is likely to have significant adverse environmental impacts.
- Class II projects are Categorical Exclusions or Documented Categorical Exclusions that meet the definitions contained in 40 CFR 1508.4 and 23 CFR 771.117. These are actions that are not likely to cause significant adverse environmental impacts.
- Class III projects require an Environmental Assessment (EA) because the significance of the impact on the environment is not clearly established.

SEPA has a similar, but not identical, system. SEPA recognizes projects that are categorically exempt, projects that require an EIS, and projects that do not require an EIS. WSDOT projects that are CEs under NEPA (Class II) may not be categorically exempt under SEPA.

If the project is not exempt under SEPA, WSDOT must issue a threshold determination and then prepare a SEPA Checklist or EIS. The threshold determination may be a Determination of Nonsignificance (DNS) or a Determination of Significance (DS) requiring an EIS. WSDOT may adopt a NEPA EA FONSI to satisfy the requirements for a DNS.

220.06 Environmental Impact Statements: Class I Projects

Class I projects are actions that are likely to have significant impact on the environment because of their effects on land use, planned growth, development patterns, traffic volumes, travel patterns, transportation services, and natural resources, or because they are apt to create substantial public controversy. An EIS may follow an EA if significant impacts are discovered during preparation of an EA. The *Environmental Procedures Manual* has details on EIS documents and procedures. WSDOT typically prepares a joint NEPA/SEPA EIS to satisfy both statutes.

Examples of projects that usually require an EIS, as referenced in 23 CFR 771.115, are:

- New controlled access freeway.
- Highway projects of four or more lanes in a new location.

- New construction or extension of fixed-rail transit facilities (for example, rapid rail, light rail, commuter rail, or automated guideway transit).
- New construction or extension of a separate roadway for buses or high-occupancy vehicles not located within an existing highway facility.
- Construction of a new ferry terminal or large-scale changes to existing terminal facilities.

Although examples are given, it is important to remember that it is the size and significance of the potential impacts that determine the need for an EIS, not the size of the project. “Significance” is not always clearly defined; it is generally determined by the impact’s “context” and “intensity.” Having a significant impact in just one area is sufficient to warrant preparation of an EIS.

A very small percentage of WSDOT’s projects go through the EIS process. Typically, these are the larger, more complicated projects often found in urban areas or involving new right of way and important natural or cultural resources. The process takes from two to five years or longer depending on the issues and stakeholders. EISs are expensive because of the amount of information produced, the level of design required, the frequency of redesign to address issues that are discovered, and the higher level of agency and public involvement. WSDOT has prepared an EIS “Reader-Friendly Tool Kit” to simplify the content of EISs and to improve them as a communication tool to inform the public and decision-makers. Both federal and state initiatives exist to streamline the EIS process and reduce costs.

220.07 Categorical Exclusions: Class II Projects

The FHWA NEPA Regulations identify project types that qualify as CEs (23 CFR 771.117). In general, CEs are actions that, based on past experience with similar projects, do not have significant environmental impacts. CEs are subject to reevaluation by FHWA where there are unusual circumstances such as new environmental impacts; controversy on environmental grounds; unforeseen impacts to cultural, historic, or recreational resources (Section 4(f) or Section 106); or inconsistencies with federal, state, or local laws.

CEs are defined further by two subcategories: CEs not requiring FHWA concurrence and Documented Categorical Exclusions (DCEs). Projects defined as CEs not requiring FHWA concurrence must meet the requirements of the *Memorandum of Understanding Between WSDOT and FHWA on Programmatic Categorical Exclusion Approvals*, signed May 25, 1999 (see the *Environmental Procedures Manual*). This may include preparation of a Biological Assessment (BA) to document effects to endangered and threatened species. If a “no effects” determination is the outcome of the BA, the only NEPA documentation required is a signed ERS that is included in the Project Summary package sent to HQ Systems Analysis and Program Development. No other NEPA documentation or approval by FHWA is required.

For DCEs, additional environmental documentation is required and FHWA approval must be obtained before the Project File can be approved. All environmental documentation must be completed before finalizing the PS&E package and going to ad. The ERS is then renamed the Environmental Classification Summary (ECS), signed by the Region Environmental Manager, and sent with federal permits and documentation to FHWA for approval.

After obligation of project design funds, detailed environmental studies for CE documentation may be required for DCE projects to determine the environmental, economic, and social impacts. WSDOT then finalizes the ECS and submits it to FHWA for final approval.

220.08 Environmental Assessments: Class III Projects

Under NEPA, when the significance of the impact of a proposed project on the environment is not clearly established, an Environmental Assessment (EA) is prepared to determine the extent of environmental impact and whether an EIS is needed. WSDOT may adopt the EA to satisfy requirements for a SEPA DNS, but the EA will not satisfy the EIS requirement under SEPA. No EIS is required when the EA supports a NEPA Finding of No Significant Impact (FONSI). Issuance of a FONSI (normally by the FHWA) is the final step in the EA process. (See the *Environmental Procedures Manual* for details on EA documentation and procedures.)

220.09 Reevaluations

Both NEPA and SEPA allow for reevaluating the project classification or environmental document. In general, reevaluations are required when there are substantial changes to the scope of a project, such that the project is likely to have significant adverse environmental impacts, or there is new information that increases the likelihood that a project will have significant adverse environmental impacts. Reevaluations are also required if project construction has not begun within five years of completing the NEPA process.

Because FHWA must concur with the NEPA classification, any major change in a project classification for a project involving federal funds requires the processing of a revised ECS form. Minor changes may be handled informally if FHWA concurs.

For SEPA, when the scope of a project is changed, a revised ERS is normally required, with some exceptions. As part of that revision process, the environmental classification needs to be reassessed. The decision on whether or not to revise the ERS is made by the region Environmental Office in coordination with the region Program Management Office. For many minor-scope changes, a new ERS is not required. A note to the file or a follow-up memo is then prepared to document the revision.

In some cases, new circumstances may cause a change in the environmental classification but not a change in scope. Document any changes in classification with a note to the file or a follow-up memo.

220.10 Commitment File

As an initial part of project development, the region establishes a project commitment file. Establishment of this file generally coincides with preparation of the environmental document or could occur at later stages as required. The file consists of proposed mitigating measures, commitments made to resource or other agencies with permitting authority, and other documented commitments made on the project. Also included in the file are design and environmental commitments. Other commitment types (ROW, Maintenance, and so on) may be added at the region's discretion.

The region continues to maintain the commitment file as a project progresses through its development process. Whenever commitments are made, they are incorporated into project documents and transferred from one phase of the project to the next. Commitments are normally included or identified in the following documents or actions:

- Environmental documents and consultations
- Design Documentation Package (DDP)
- Environmental permits
- MOUs/Letters to stakeholders
- Right of way plans
- Access plans
- Findings and order from access hearings
- Contract document
- Preconstruction conference
- Change orders
- End of project report
- Maintenance

To organize and track commitments made during the development and implementation of a project, WSDOT has established a Commitment Tracking System (CTS). This system provides easy access and retrieval of commitment information. Reports from the system establish the commitment record for the Project File. When a commitment is made, log it in the CTS. The entry requires sufficient detail necessary to document the commitment, including references to correspondence, agreement numbers, and so on. A commitment may be revised when WSDOT and the organization or individual involved agree to the revision.

When commitments are completed, the CTS is updated with the date the commitment was finished and appropriate comments. Commitments requiring ongoing maintenance need to be formally passed off to HQ Maintenance and Operations for incorporation into the Maintenance Program.

220.11 Documentation

For the list of documents required to be preserved in the Design Documentation Package and the Project File, see the Design Documentation Checklist:

 www.wsdot.wa.gov/design/projectdev/

