

- 400.01 Introduction
- 400.02 Process Overview
- 400.03 Organization of Part 4
- 400.04 Abbreviations and Acronyms
- 400.05 Glossary
- 400.06 Exhibits

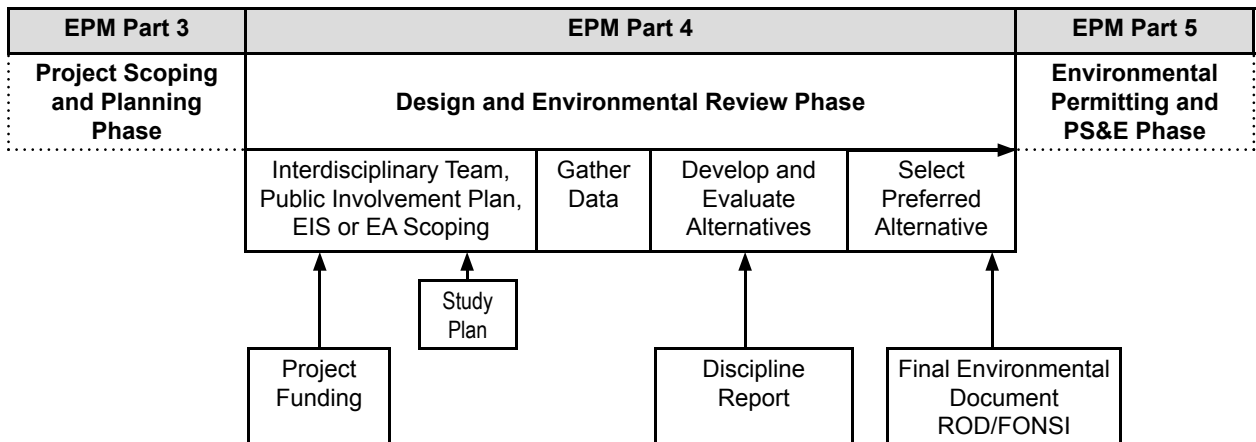
400.01 Introduction

Part 4 covers the Design and Environmental Review phase of the WSDOT Transportation Decision-Making Process. During this phase, much of the design work and environmental analysis and documentation requirements for a project are completed, and work on permits often begins. For any project funded by the legislature, this phase begins after Project Scoping and Programming and ends with approval of any environmental review documents that must be completed for compliance with NEPA and SEPA, as well as other environmental laws, including the Endangered Species Act, Section 106 of the National Historic Preservation Act, Section 4(f) of the Department of Transportation Act, and Section 6(f) of the Land and Water Conservation Fund Act.

400.02 Process Overview

Figure 400-1 illustrates the relationship between Design and Environmental Review and preceding and succeeding phases of the decision-making process. During Design and Environmental Review, project design is completed to the level needed to conduct the required environmental analysis and compare alternatives when appropriate.

Figure 400-1: Design and Environmental Review Phase

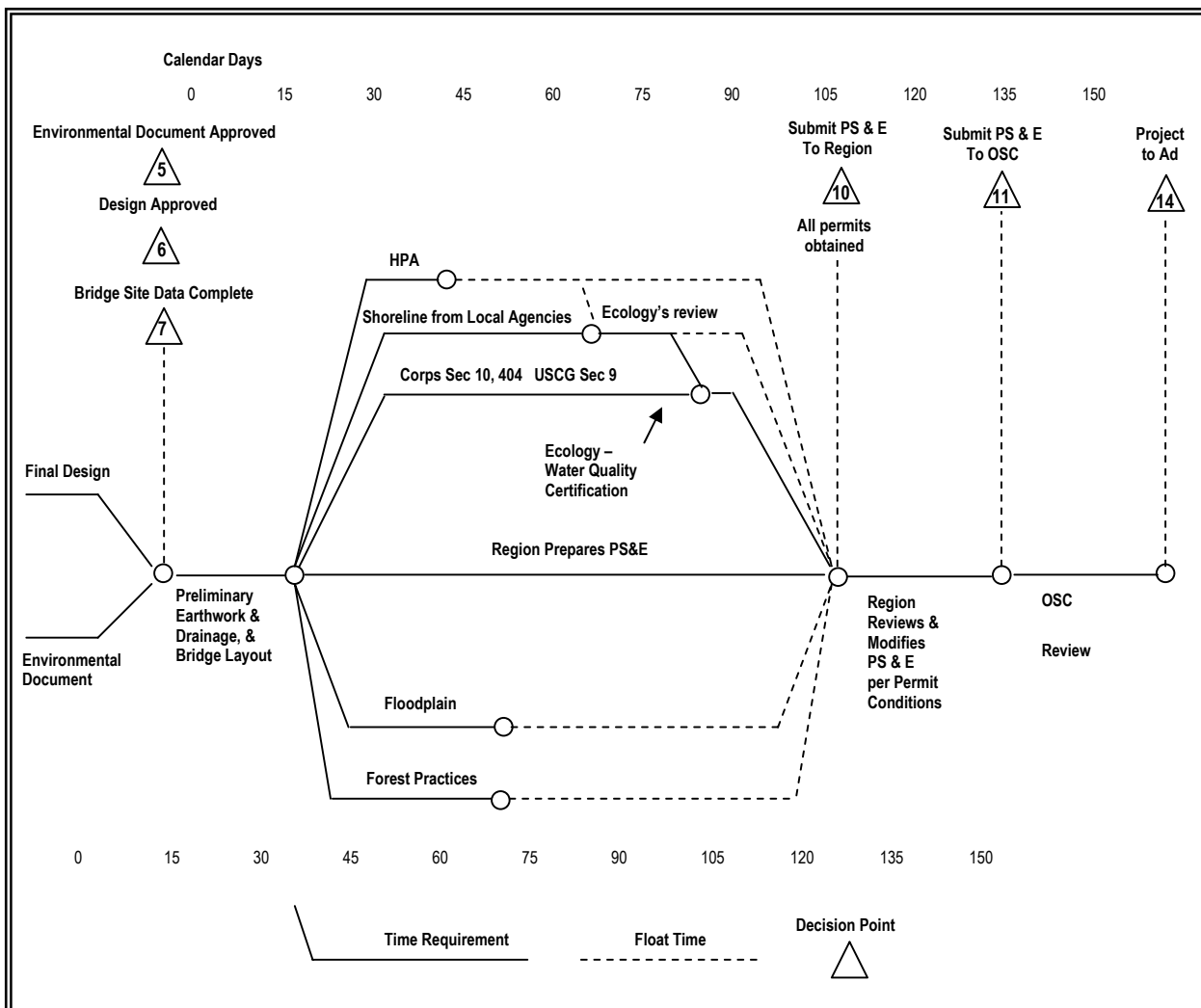


Most environmental analysis is done in tandem with project design, and re-design to address an environmental issue is common. For more information on environmental considerations in design, and Context Sensitive Design in general, see the WSDOT publication *Understanding Flexibility in Transportation Design-Washington*, which is available at:

<http://www.wsdot.wa.gov/eesc/design/Urban/PDF/UnderstandingFlexibilityInTransportationDesignWashington.pdf>

An environmental document is drafted after analyzing environmental issues, comparing alternatives, developing mitigation measures, consulting with resource agencies regarding any required permits, and making a determination about the significance of any unmitigated environmental impacts. When the environmental documents are finalized, Environmental Permitting and PS&E (including right of way acquisition) can begin. This relationship is illustrated in Figure 400-2.

Figure 400-2: Relationship Between Design and Permitting



The Design and Environmental Review phase is generally considered complete with approval of the environmental documents. A Finding of No Significant Impact (FONSI) for EAs, and a Record of Decision (ROD) for FEISs are the final federal approval of environmental documents. For Limited Access Highways when an Interchange Justification Report (IJR) is required, final approval of the IJR is granted concurrently with approval of an FEIS (see WSDOT *Design Manual*, M-22-01).

Early acquisitions of real property, commonly referred to as “at risk” acquisitions, can also occur prior to completion of the environmental review process under NEPA. However, such acquisitions must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act, and they must not influence the decision of the environmental review process for the project required under NEPA. The requirements for such acquisitions are spelled out in an August 24, 2007, FHWA Memorandum, which is available at the following Web site under “At risk early acquisitions”:

☞ <http://nepa.fhwa.dot.gov/ReNEPA/ReNepa.nsf/home?OpenForm&Group=Legal%20Issues&tab=REFERENCE>

400.03 Organization of Part 4

The first three chapters of **Part 4** give an overview of the NEPA/SEPA process and environmental review that occurs during the Design and Environmental Review phase. **Table 400-1** lists approvals that are discussed in **Part 4**. **Chapter 410** gives an overview of NEPA and SEPA legislation and implementing regulations that specify the process to be followed. It also describes agency roles and responsibilities, and guidance for public involvement. **Chapter 411** gives step-by-step guidance for preparing environmental documents: categorical exclusions and/or exemptions, environmental assessments and/or checklists, environmental impact statements, and supplemental documents, if required. It also includes guidance on planning the environmental review processes.

Chapter 420 through **Chapter 490** give detailed guidance for completing the environmental review process, including how to meet NEPA/SEPA requirements and obtain state and federal permits. For most chapters, WSDOT Discipline Report checklists provide additional guidance on what to analyze in the environmental review document. The chapters refer extensively to relevant authorizing legislation and regulations, and wherever possible points to Web sites where resource materials are available online.

Chapter 490 describes how environmental commitments are documented and tracked during Design and Environmental Review.

The detailed guidance in **Chapter 420** through **Chapter 490** also serves as a reference for environmental analysis done during earlier phases of Transportation Planning (**Part 2**) and Project Scoping and Programming

(Part 3), as well as during Environmental Permitting and PS&E (Part 5), Construction (Part 6), Maintenance and Operations (Part 7), and Surplus Real Property Disposal (Part 8).

Chapter headings correlate to those in environmental assessments/checklists and environmental impact statements, as summarized in **Table 411-2**. These topics include but are not limited to:

- Earth – geology and soils.
- Air Quality.
- Water Resources – surface water/water quality, floodplain, groundwater.
- Plants and animals – wetlands, threatened and endangered species, wildlife, fisheries, and habitat.
- Energy.
- Environmental health – noise and hazardous materials.
- Land use – population/land use and growth management, shorelines, wild and scenic rivers, farmlands, public lands (Section 4(f), Section 6(f), and forest lands), historic and cultural resources (Section 106), social and economic issues including relocation, environmental justice, and aesthetics and visual quality.
- Transportation – vehicular traffic, parking, waterborne, rail, and air traffic.
- Public services and utilities.
- Indirect and cumulative effects (these effects should be addressed for each element of the environment being analyzed).
- Irreversible and irretrievable commitments of resources.
- Relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity.

Each chapter is organized to present the statutory and regulatory framework first, followed by policies and specific procedural requirements. Interagency agreements typically address procedural issues defining the responsibilities of each agency, and some contain substantive permitting requirements. For most chapters, the WSDOT Discipline Report provides the subject-specific documentation for preparation of EISs and other environmental documents. Before writing a discipline report on a given topic, projects should consider what, if any, discipline reports are necessary. When the discipline report subject is not applicable to a project, a report is not necessary. The permit section lists applicable permits discussed in detail in **Chapter 520** through **Chapter 550**. Any special requirements for non-road projects such as ferries, airports or rail are listed. In the absence of such information, the user should assume the requirements described in the previous sub-sections apply to those facilities as well.

Table 400-1: Environmental Approvals – Environmental Review Phase

Requirement	Responsible Agency	Conditions Requiring	Manual Chapter/Section	Statutory Authority
FEDERAL PERMITS AND APPROVALS				
National Environmental Policy Act (NEPA)	FHWA and WSDOT	Activities with a federal nexus (i.e., upon federal lands, federally funded or requiring federal permits or approvals) trigger NEPA procedural and documentation requirements.	310.07, 410-490	42 USC 4321, 23 CFR 771, 40 CFR 1500-1508
Endangered Species Act (ESA)	NOAA Fisheries USFWS	Activities with a federal nexus (i.e., upon federal lands, federally funded, or requiring federal permits or approvals) trigger ESA procedural and documentation requirements.	430, 431, 436, 520.08 520.09, 710.04	16 USC 1531-1543
Wetlands Report	Corps	Impact to lowlands covered with shallow and sometimes temporary/intermittent waters (e.g., swamps, marshes, bogs, sloughs, potholes).	431	49 USC 1651, EO 11990 (Protection of Wetlands)
Wild and Scenic Rivers	FHWA and Affected Agency	No specific permits are required for projects in wild and/or scenic river corridors, but water quality permits listed in Section 430.06 may apply.	450, 520.12	16 USC 1271
Farmland Conversion	NRCS Counties and Cities	NRCS Form AD1006 approval may be required if project entails conversion of farmlands. Local grading permits may also be required.	450	7 USC 4201, 7 CFR 650
U.S. Dept of Transportation Act - Section 4(f)	FHWA, SHPO, and Affected Agency with Jurisdiction over the site	Use of park and recreation lands, wildlife and waterfowl refuges, and historic sites of national, state, or local significance triggers Section 4(f) procedural and documentation requirements.	411.12, 450, 456, 457	49 USC 303, 23 CFR 774
Land and Water Conservation Fund Act - Section 6(f)	FHWA and Affected Agency (WSDOT)	Use of lands purchased with LWCF funds triggers Section 6(f) procedural and documentation requirement. In Washington LWCF funds are distributed by the Recreation and Conservation Funding Board.	411.12, 450, 457, 520.11	16 USC 4601-8(f)
National Historic Preservation Act - Section 106	DAHP/SHPO	Potential impacts to historic or archaeological properties trigger Section 106 procedural and documentation requirements.	411.12, 456, 520.10	16 USC 470f, 36 CFR 800, RCW 43.51.750
STATE PERMITS AND APPROVALS				
State Environmental Policy Act (SEPA)	Ecology	Any activity not categorically exempt triggers SEPA procedural and documentation requirements.	410-490	RCW 43.21C, WAC 197-11, WAC 468-12

Abbreviations:

- CFR Code of Federal Regulations
- Corps U.S. Army Corps of Engineers
- DAHP Department of Archaeology and Historic Preservation (State)
- Ecology Washington State Department of Ecology
- FHWA Federal Highway Administration
- LWCF Land and Water Conservation Fund Act (Federal)
- NEPA National Environmental Policy Act
- NRCS Natural Resources Conservation Service (U.S. Dept. of Agriculture)
- RCW Revised Code of Washington
- SEPA State Environmental Policy Act
- SHPO State Historic Preservation Officer
- USC United States Code
- USFWS United States Fish & Wildlife Service (Dept. of Interior)
- WAC Washington Administration Code

Each chapter on an element of the environment follows the same outline:

- Introduction – summary of requirements, abbreviations, acronyms, and glossary.
- Applicable statutes and regulations.
- Policy guidance.
- Interagency agreements.
- Technical guidance.
- Permits and approvals.
- Non-road project requirements.
- Exhibits.

400.04 Abbreviations and Acronyms

In **Part 4**, abbreviations and acronyms applicable to NEPA/SEPA documents and procedures (**Chapter 410** and **Chapter 411**) are listed in the introduction to **Chapter 410**; those applicable to specific elements of the environment are listed in the introductions to **Chapter 420** through **Chapter 470**. For a complete list of abbreviations and acronyms used in the EPM, see **Appendix A**.

400.05 Glossary

A glossary of terms used in **Part 4** are listed in the introductions to **Chapter 410** through **Chapter 470**. See **Appendix B** for a general glossary of terms used in the EPM.

400.06 Exhibits

None.