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**Who is the Intended Audience of this Manual?**

- Professional staff at CDOT and consultants working on CDOT projects and local agency staff, are the primary audiences for this manual
- Users should have a general understanding and some experience working with NEPA
- Users should have a basic understanding of the required sections in a NEPA

## 1.0 Introduction

### 1.1. Purpose of The Manual

The purpose of this manual is to provide guidance on preparing and processing documents to comply with the National Environmental Policy Act of 1969 (NEPA) and other applicable state and federal environmental laws affecting transportation projects in Colorado. It is a comprehensive resource for Colorado Department of Transportation (CDOT) staff, local agency staff, and consultants. It provides references and links to related federal and state laws, executive orders, regulations, and policies. The manual also provides “best of” examples for various compliance processes where appropriate. It is intended that CDOT staff use this manual to implement NEPA in a highly effective manner, producing better environmental documents that decision makers may use to make well-informed transportation decisions.

Users are encouraged to follow closely the document content, level of detail, and documentation presented in this manual in order to standardize and streamline NEPA compliance throughout CDOT. Special situations may dictate a prudent variation from this content and format (within legal limitations); in such cases, approval by the Regional Transportation Director in consultation with the Regional Planning and Environmental Manager (RPEM) is required. Consultation with CDOT's Environmental Programs Branch (EPB) at headquarters, as well as consultation with Federal Highway Administration (FHWA) may also be required.

#### 1.1.1. Updating The Manual

Updating and revising the manual will be an ongoing process because of the ever-changing status of environmental issues and laws. As a result, many of the processes and procedures in this manual are subject to change. As the manual is updated, the date in the footer will be changed to reflect the revision date for the appropriate section.

While CDOT strives to keep this NEPA manual current, it is the user's responsibility to ensure that any action taken to comply with environmental laws and regulations is based on the most current information available. The manual lists websites and agency contacts that can assist a user with this task. This manual will be reviewed and updated regularly and revisions posted on [CDOT's website](http://www.dot.state.co.us)<sup>1</sup>.

Comments and suggestions for improving the NEPA manual are welcome. For questions about the manual, users may contact CDOT's NEPA Program Manager at headquarters. Please direct comments to the Environmental Programs Branch (EPB) for consideration in the next revision.

<sup>1</sup> [www.dot.state.co.us](http://www.dot.state.co.us)

### 1.1.2. Organization of The Manual

The NEPA manual is organized into eight chapters:

- **Chapter 1: Introduction.** Chapter 1 provides an overview and introduction to this manual.
- **Chapter 2: CDOT and the NEPA Process.** Chapter 2 describes how NEPA fits into the overall transportation project development process and its relationship to other plans, programs, and studies. It also describes CDOT's transportation process.
- **Chapter 3: Implementing the NEPA Process and Documentation.** Chapter 3 provides a summary of considerations when building a NEPA interdisciplinary team and initiating the NEPA process for a project.
- **Chapter 4: Resource Considerations.** Chapter 4, broken down by resource topics often analyzed in NEPA documents, offers detailed resource-specific information regarding applicable regulations and policies, collection of baseline data, methodologies for impact analysis, best practices, and necessary consultation and coordination.
- **Chapter 5: NEPA Document Review Procedures and Coordination.** Chapter 5 outlines the CDOT and Federal Highway Administration (FHWA) NEPA document review procedures and provides information on coordinating with external agencies.
- **Chapter 6: Public Involvement.** Chapter 6 summarizes how CDOT involves the public in the NEPA process and how public comments are managed.
- **Chapter 7: Permits, Regulations, and Policies.** Chapter 7 outlines and discusses the various permits, regulations, and policies pertinent to the NEPA process.

For easy reference, the manual includes the following appendices, which contain more detailed information on topics found throughout the manual:

- **Appendix A – Abbreviations and Acronyms**
- **Appendix B – References Cited**
- **Appendix C – Typical NEPA Terminology**
- **Appendix D – A More Detailed Look at Key NEPA Elements**
- **Appendix E – General Environmental Statement of Work**



#### **Manual Organization**

- 1: Introduction
- 2: CDOT and the NEPA Process
- 3: Implementing the NEPA Process and Documentation
- 4: Resource Considerations
- 5: NEPA Document Review Procedures and Coordination
- 6: Public Involvement
- 7: Permits, Regulations, and Policies



**What is NEPA?**

- National Environmental Policy Act of 1969
- Directs federal agencies to conduct environmental reviews for proposed actions
- Must consider potential impacts that the action will have on the social, economic, and physical environment
- Fundamental objectives include interagency coordination and public participation
- Potential project impacts and mitigation measures must be documented
- There are three NEPA processing options:
  - Categorical Exclusion (CatEx)
  - Environmental Assessment (EA)
  - Environmental Impact Statement (EIS)

- Appendix F – Best Examples
- Appendix G – Forms, Applications, and Permits
- Appendix H – Categorical Exclusion Guidance
- Appendix I – Memoranda of Agreement
- Appendix J – Resource - Specific Technical Guidance
- Appendix K – Public Involvement

**1.2. About NEPA**

NEPA<sup>2</sup> (42 United States Code [USC] 4321 et seq.), developed in 1969, requires that federal agencies use a systematic, interdisciplinary approach to decision making when actions may affect the quality of the human environment. As part of the act, the Council on Environmental Quality was formed and tasked with developing implementing regulations for NEPA. NEPA is implemented through supporting federal [regulations developed by the Council on Environmental Quality \(CEQ\)](#)<sup>3</sup> (40 Code of Federal Regulations [CFR] Parts 1500–1508) that establish requirements that must be adhered to for any project that is “financed, assisted, conducted, or approved by a federal agency.” In 1978, CEQ published the implementing regulations for NEPA - 40 CFR 1500-1508 - which are still in effect and apply to all Federal agencies. The CEQ regulations indicated that each Federal agency should then develop its own more specific implementing regulations for NEPA. Each federal agency subject to the requirements of NEPA has also prepared their own regulations to supplement those prepared by the CEQ. The FHWA is the primary lead federal agency for roadway projects in Colorado and works as a partner with CDOT and local agencies to implement NEPA on federally aided or approved projects. Federal Transit Administration (FTA) is the primary lead federal agency for transit projects. It is FHWA's policy that all environmental reviews and consultations be coordinated in a single process. [FHWA NEPA regulations](#)<sup>4</sup> are found in 23 CFR 771. Additional guidance has also been developed by FHWA in various resource categories. This manual attempts to incorporate FHWA and CEQ regulations, policy, and/or guidance, as well as the same information from resource agencies, as necessary. Refer to [Figure 1-1](#), the NEPA Umbrella. It is FHWA's policy that all environmental reviews and consultations be coordinated in a single process.

**1.2.1. Why CDOT Follows NEPA**

The mission of CDOT is “to provide the best multi-modal transportation system for Colorado that most effectively moves people, goods, and information.” While performing its mission, it is CDOT’s policy, as

<sup>2</sup> <http://ceq.eh.doe.gov/nepa/regs/nepa/nepaeqia.htm>  
<sup>3</sup> [http://ceq.eh.doe.gov/nepa/regs/ceq/toc\\_ceq.htm](http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm)  
<sup>4</sup> [http://www.access.gpo.gov/nara/cfr/waisidx\\_03/23cfr771\\_03.html](http://www.access.gpo.gov/nara/cfr/waisidx_03/23cfr771_03.html)

described in the [CDOT Environmental Stewardship Guide](#)<sup>5</sup>, to “support and enhance efforts to protect the environment and quality of life for all of Colorado’s citizens in the pursuit of providing the best transportation system and services possible.” CDOT’s Environmental Stewardship Guide appropriately requires that elements of the NEPA process be incorporated into all transportation projects, regardless of federal involvement, to ensure responsible decision-making that takes into account social and environmental consideration. In doing so, CDOT has committed to complying with the intent and requirements of NEPA for all transportation activities.

### 1.2.2. Streamlining the NEPA Process

Streamlining the NEPA process consists of identifying opportunities to reduce redundancy in processes and assuring that all activities serve a demonstrated purpose. In doing so it is important to keep the “big picture” in mind. See [Figure 1-1](#) and identify how activities and processes can be used to meet multiple objectives and requirements at the same time. Successful streamlining of the NEPA process requires close attention to the requirements of NEPA and other legislative, policy and regulatory requirements to assure that all requirements are being met. Streamlining opportunities exist in almost all phases of the transportation project development process as well as transportation planning.



#### ***Streamlining Objectives***

- Expedited transportation project delivery
- Integrated review and permitting processes that identify key decision points and potential conflicts as early as possible
- Full and early participation by all relevant agencies that must review a highway or transit project or issue a permit, license, and opinion relating to the project
- Coordinated time schedules for agencies to act on project decisions
- Dispute resolution procedures to address unresolved project issues
- Improved NEPA decision making

In August, 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users was signed into law (known as [SAFETEA-LU](#)<sup>6</sup>). SAFETEA-LU incorporates changes aimed at improving and streamlining the environmental process for transportation projects. These changes, however, come with some additional steps and requirements on transportation agencies. The provisions include:

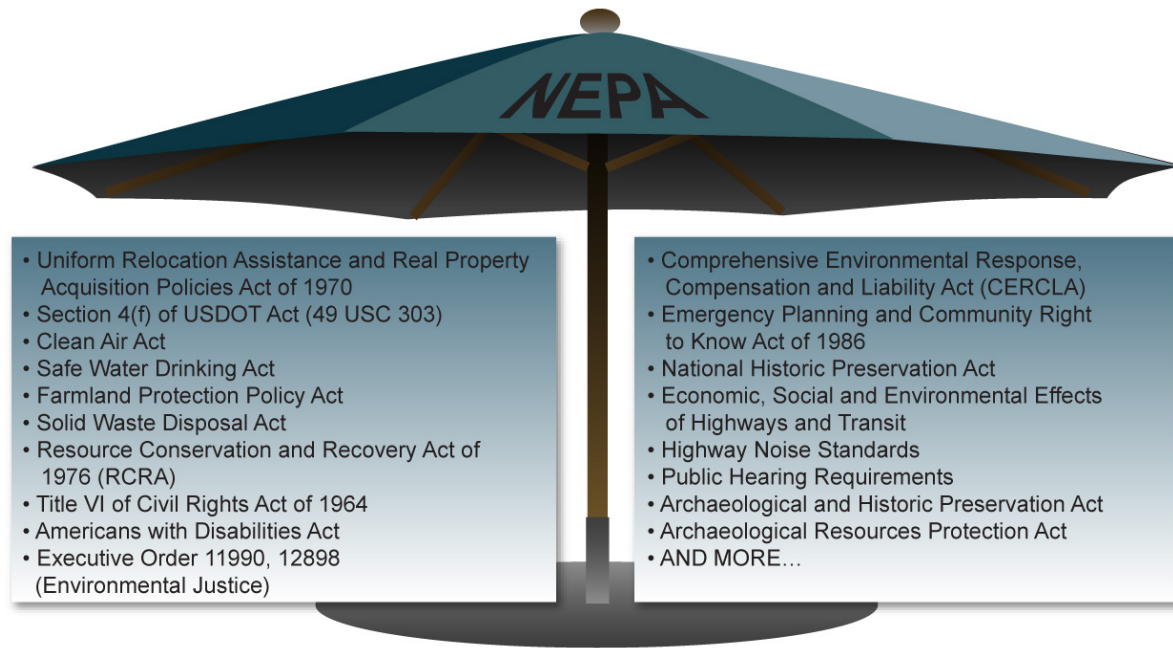
<sup>5</sup> [www.dot.state.co.us/us50e/pdf/ESGuide5-12-05e-book.pdf](http://www.dot.state.co.us/us50e/pdf/ESGuide5-12-05e-book.pdf)

<sup>6</sup> <http://www.fhwa.dot.gov/safetealu/index.htm>

- A new environmental review process for surface transportation projects that require the preparation of an EIS.
- Clarification of the roles and responsibilities of lead and cooperating agencies, and of a new type of agencies known as participating agencies.
- A 180-day statute of limitations following publication of a Federal Register notice that the final environmental approval or permit has been issued for a project.

Additional information on SAFETEA-LU is provided in [Section 2.3](#) of this manual.

**Figure 1-1. NEPA Umbrella**





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