Environmental Compliance
IRR Projects

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Federal Lands Highway
Objectives

- Provide a basic understanding of environmental requirements for IRR projects.
- Emphasize the importance of good planning and decision making early in the project development process.
- Identify helpful project development guidance.
- Answer questions.
The Regulations Puzzle

- National Environmental Policy Act (NEPA)
  - Council on Environmental Quality (CEQ)
    - CEQ NEPA regulations (40 CFR 1500-1508)
      - Require Federal agencies to supplement these regulations

- FHWA Regulations – 23 CFR 771
- BIA Regulations – 516DM 1-15
IRR Environmental Requirements

- 25 CFR 170, Subpart D, Appendix A
- 42 U.S.C. 4321 – NEPA
- 23 CFR 771 – FHWA NEPA regulations
- 23 U.S.C. 138 – 4(f)
- Other applicable laws and Federal regulations
Environmental Laws and EO’s Affecting Transportation Projects
Good Planning and Decision Making

- Early Coordination and Planning
  - Lead Federal Agency
  - Resource and Regulatory Agencies
  - Public

- Scope, Schedule and Budget

- Continuous coordination
NEPA - Lead Federal Agency

- EIS – FHWA is required to be a lead agency.
  - SAFETEA-LU Section 6002
- EA/CE – BIA
Categorical Exclusion (CE)

- 23 CFR 771.117
  - (c) List
    - 21 categories listed
    - Only very minor maintenance activities covered
    - Normally no further NEPA approvals required
  
  - (d) List
    - 13 categories listed
    - Require documentation and approval
    - Most FLH projects are categorically excluded.
    - Most IRR projects should be categorically excluded.
Project Development and Design Manual (PDDM)


- Planning and Programming
- Environmental Stewardship
- Conceptual Studies
- Survey and Mapping
- Geotechnical
- Hydrology and Hydraulics
- Safety and Traffic Design
- Highway Design
- Structural Design
- Pavements
- ROW and Utilities
PDDM Chapter 3
Environmental Stewardship

- 3.3 – Laws, Regulations, Policies, Guidance & Permits
- 3.4 – Environmental Process (Flow Chart)
- 3.5 – NEPA Documentation
Summary

- IRR projects are subject to FHWA regulations
- Early and continuous coordination is essential to success
- Maintenance work is subject to NEPA
- The FLH Project Development and Design Manual is an available resource.
Questions?