TOPIC: NEPA Scoping and Public Involvement

ACTION TEAM SPONSOR: Environmental Action Team

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APPLICABLE PROJECTS: Sound Transit Regional Express Projects requiring a NEPA Environmental Assessment

ISSUE: Clarify requirements for NEPA scoping and public involvement process.

CURRENT STATUS: Final

DATE APPROVED: September 6, 2001

BACKGROUND

There is no established or required procedure for scoping for a NEPA environmental assessment (EA). For NEPA EAs, formal scoping is optional and is not required as it is for an Environmental Impact Statement (EIS). Federal regulation (23 CFR 771.119) does stress early coordination with agencies and others on a proposal when an EA is being prepared. This guidance states the following: “For actions that require an EA, the applicant, in consultation with the Administration, shall, at the earliest appropriate time, begin consultation with interested agencies and others to advise them of the scope of the project and to achieve the following objectives: determine which aspects of the proposed action have potential for social, economic, or environmental impact; identify alternatives and measures which might mitigate adverse environmental impacts; and identify other environmental review and consultation requirements which should be performed concurrently with the EA. The applicant shall accomplish this through an early coordination process (procedures under 771.111) or through a scoping process. Public involvement shall be summarized and the results of agency coordination shall be included in the EA.”

The scoping process for an EA may include meetings, telephone conversations, and written comments. It is important to tailor the type, the timing and the location of public and agency comments to the proposal at hand.
It is important to provide enough information to agencies and the public to allow them to provide useful input. Scoping has two goals – to identify resources that may be impacted by the project, and to identify other possible solutions.

DECISION

As noted previously, there is no specific requirement for scoping in a particular way for an Environmental Assessment, but the benefits of a good scoping process are clear. Sound Transit has recognized and emphasized the importance of public and agency involvement on all of its projects regardless of the type of environmental documentation (EA, EIS, Documented CE, etc.). For Sound Transit projects for which an EA is being prepared, multiple public meetings / open houses are typically held, and other public involvement activities (such as newsletters) occur at various stages of project development and design to inform the public and solicit input on the project.

The following process is established to assist project teams in developing and implementing a scoping and public involvement program for an Environmental Assessment:

?? Early in the project development process (prior to beginning the alternative screening process), and consistent with the “early coordination” requirements in 23 CFR 771, project managers will consult with the lead or co-lead agencies (FTA and FHWA) and determine what mix of scoping methods is best for their particular project;

?? Sound Transit will typically conduct one or more public scoping meetings/open houses to inform the public and to solicit input on project alternatives and impacts. This meeting should be held at an early enough time for the meaningful input to be incorporated into the alternative selection process. Fatal-flaw screening will typically be completed prior to this meeting.

?? With regard to agency scoping, Sound Transit project managers will consider implementing the following procedure (which was done for the South Everett Park and Ride project with positive feedback), if determined to be appropriate for their particular project. In place of a formal agency scoping meeting (prior to beginning preparation of the EA), a scoping packet inviting comments would be sent out to the resource agencies and other interested agencies and jurisdictions prior to, or at the beginning of, the preparation of the EA. This scoping packet would contain the following type of information (as available and appropriate for a particular project): vicinity map; project concept schematic; site characteristics summary; summary of environmental process and issues identified to date; project purpose and need statement; process flow chart/schedule; and screening and evaluation document. After review of these materials, if any agency requested a scoping meeting, then one would be scheduled by Sound Transit.

?? Close coordination with the partner agencies and local jurisdictions will occur during the alternative screening process (typically, there is a first and second level screening of the alternatives);

?? Sound Transit will typically conduct at least one public meeting/open house during preparation of the EA and prior to issuing the EA. This meeting (or meetings if more than one is held) will include information on the environmental/design process and findings generated to date, and solicit public comment and input;
Project newsletters will normally be sent to residents and other interested parties in the project area before, during, and after preparation of the EA to keep residents, agencies, jurisdictions, and others informed of project status, the alternatives evaluation, design information, environmental issues, etc., as well as to solicit input.

Sound Transit will hold a public hearing/open house following the issuance of the EA. The public hearing/open house will occur at about the mid-point of the 30 day comment period on the EA, unless a WSDOT design hearing is incorporated, in which case the hearing/open house would be held no sooner than 30 days after the issuance of the EA. Comments from this public hearing, in addition to any other comments on the EA, will be addressed as a part of the FONSI approval process, and responses included with the FONSI package submitted to the lead agency (or co-lead agencies) for approval.

To confirm that the steps in this paper, and similar steps in the EJ issue paper #36, are being addressed, project teams may want to consider developing a public involvement plan at the outset.

ENVIRONMENTAL ACTION TEAM DECISION ON ISSUE PAPER NO. 38 NEPA Scoping and Public Involvement

AGREED TO ON SEPTEMBER 6, 2001 BY:

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