



Navigating NEPA for Trail Projects

Trends & Strategies

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PRESENTERS

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OUTLINE

- I. NEPA – Overview & Applicability**
- II. Levels of Environmental Review**
- III. NEPA & CEQA**
- IV. Potential Pitfalls & Obstacles**
- V. Strategies to Streamline Review**
- VI. Regulatory Update**



National Environmental Protection Act

- Enacted in 1969
- **Primary Purpose:** Alert the public, government agencies and other decision-makers to potential adverse effects on the environment associated with a proposed action (such as a trail) before it is taken
- **Primary Goal:** Minimize the effects of projects on the physical and human environment

NEPA Application

- NEPA applies to any project a federal agency would carry out, implement, finance, approve, or permit in whole or in part
- NEPA triggers:
 - **Federal lands**
 - **Tribal lands**
 - **Federal funds**
 - **Federal permit(s) required**

Federal and State Agency Involvement

- Lead Agency
- Federal Highway Administration
- Caltrans
- Other...



NEPA Application: Example

- If federal grants for trail planning and construction are involved then NEPA clearance required
 - Iron Horse Trail received funding from the DOT TIGER II Program,
 - Caltrans acted as the federal lead agency for NEPA document review

Iron Horse Trail, Pleasanton



NEPA Application: Example

- If federal permits for trail planning and construction are required then NEPA clearance may be required
 - Oakland Bay Trail Pedestrian and Bicycle Bridge
 - Federal funding, Corps Section 10 Permit (structures), Section 404 Permit (wetlands), USFWS Section 7 permit (ESA)

Oakland Bike/Pedestrian Bridge



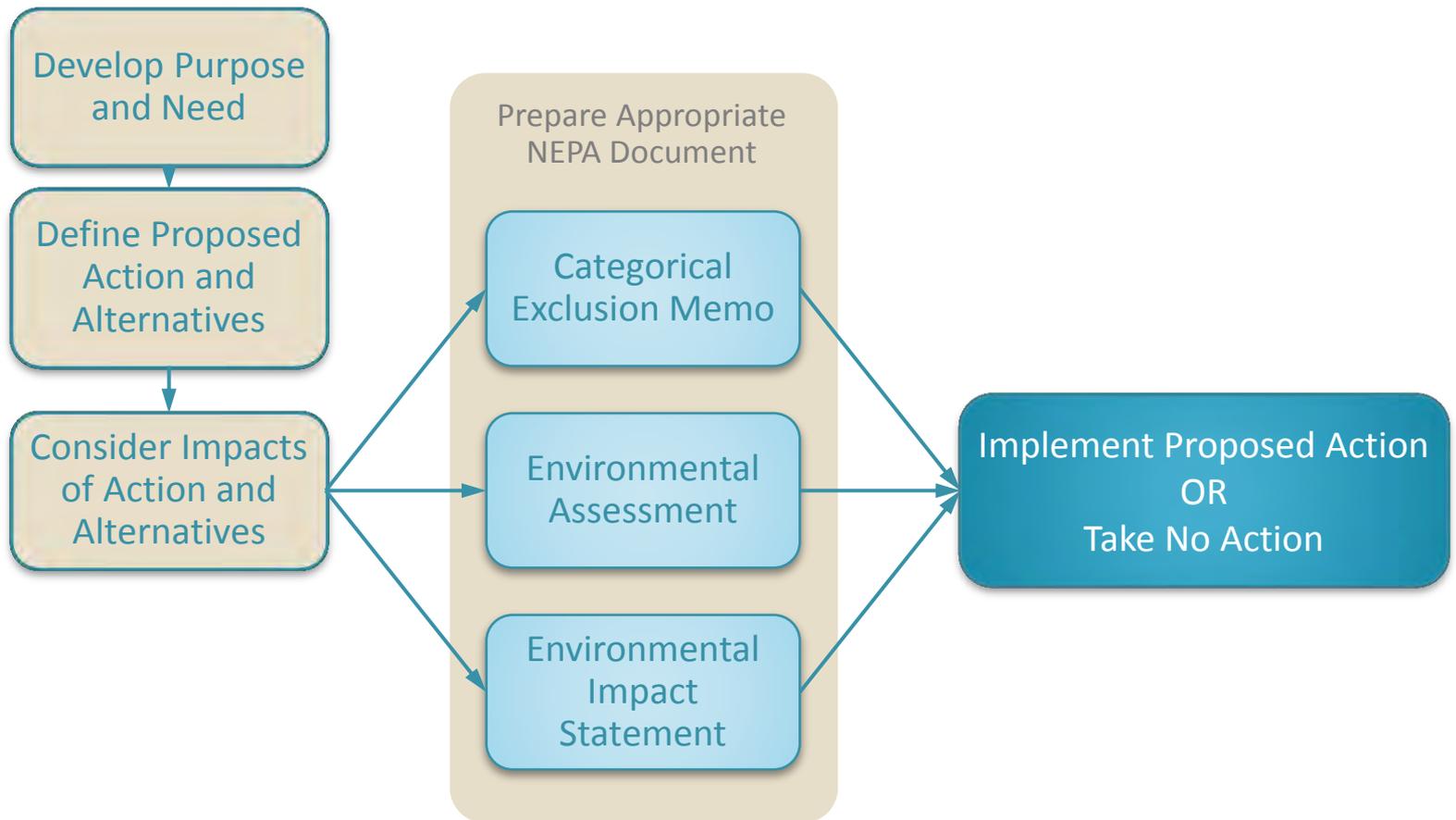
Oakland Bike/Pedestrian Bridge



Levels of NEPA Review

- Categorical Exclusion (CE) without Technical Studies
- Categorical Exclusion with Technical Studies
- Environmental Assessment (EA) leading to a Finding of No Significant Impact (FONSI)
- Environmental Impact Assessment (EIS) leading to a Record of Decision (ROD)

Overview of the NEPA Process



NEPA REVIEW: Forms and Lists

Categorical Exclusion Checklist

Dist/Co/Rte/PM: _____ Fed. Aid No: _____ Project ID: _____

SECTION 1: TYPE OF CE: Use the information in this section to determine the applicable CE and corresponding activity for this project.

1. Project is a CE under SAFETEA-LU Section 6004 (23 U.S.C. 326). Yes No
 If "yes", check applicable activity in one of the three tables below (activity must be listed in 23 CFR 771.117 (c) or (d) list or included in activities listed in Appendix A of the MCIU to be eligible for Section 6004)

Activity Listed in 23 CFR 771.117(a)	
1 <input type="checkbox"/> Activities which do not involve or lead directly to construction	12 <input type="checkbox"/> Improvements to existing rest areas and truck weigh stations.
2 <input type="checkbox"/> Utility installations along or across a transportation facility	13 <input type="checkbox"/> Redesigning activities
3 <input type="checkbox"/> Bicycle and pedestrian lanes, paths, and facilities	14 <input type="checkbox"/> Bus and rail car rehabilitation
4 <input type="checkbox"/> Activities included in the State's highway safety plan under 23 U.S.C. 392	15 <input type="checkbox"/> Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons
5 <input type="checkbox"/> Transfer of Federal lands pursuant to 23 U.S.C. 107(d) and/or 23 U.S.C. 317 when the land transfer is in support of an action that is not otherwise subject to FIRM review under NEPA.	16 <input type="checkbox"/> Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand
6 <input type="checkbox"/> Installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction	17 <input type="checkbox"/> Purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which benchmarks are within a CE.
7 <input type="checkbox"/> Landscaping	18 <input type="checkbox"/> Track and rail bed maintenance and improvements when carried out within the existing right-of-way
8 <input type="checkbox"/> Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur	19 <input type="checkbox"/> Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site
9 <input type="checkbox"/> Emergency repairs under 23 U.S.C. 126	20 <input type="checkbox"/> Promulgation of rules, regulations, and directives
10 <input type="checkbox"/> Acquisition of scenic easements	21 <input type="checkbox"/> Deployment of electronics, photonics, communications, or information processing used singly or in combination, or its components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locators, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses.
11 <input type="checkbox"/> Determination of payback under 23 CFR part 490 for property previously acquired with Federal-aid participation	

March 2011

LOCATION HYDRAULIC STUDY FORM *

Dist. _____ Co. _____ Rte. _____ P.M. _____
 EA _____ Bridge No. _____

Floodplain Description: _____

1. Description of Proposal (include any physical barriers i.e. concrete barriers, soundwalls, etc. and design elements to minimize floodplain impacts)

2. ADT: Current _____ Projected _____

3. Hydraulic Data: Base Flood Q_{100} _____ CFS
 WSE $_{100}$ _____ The flood of record, if greater than Q_{100} :
 Q = _____ CFS WSE = _____
 Overtopping flood Q = _____ CFS WSE = _____
 Are NFIP maps and studies available? YES _____ NO _____

4. Is the highway location alternative within a regulatory floodway?
 YES _____ NO _____

5. Attach map with flood limits outlined showing all buildings or other improvements within the base floodplain.

Potential Q_{100} backwater damages:

A. Residences? NO _____ YES _____
 B. Other Bldgs? NO _____ YES _____
 C. Crops? NO _____ YES _____
 D. Natural and beneficial

FLOODPLAIN VALUES? NO _____ YES _____

6. Type of Traffic:

A. Emergency supply or evacuation route? NO _____ YES _____
 B. Emergency vehicle access? NO _____ YES _____
 C. Practicable detour available? NO _____ YES _____
 D. School bus or mail route? NO _____ YES _____

7. Estimated duration of traffic interruption for 100-year event hours: _____

8. Estimated value of Q_{100} flood damages (if any) – moderate risk level.

SUMMARY FLOODPLAIN ENCROACHMENT REPORT*

Dist. _____ Co. _____ Rte. _____ P.M. _____
 Project No.: _____ Bridge No. _____
 Limits: _____

Floodplain Description: _____

1. Is the proposed action a longitudinal encroachment of the base floodplain?	_____	Yes	_____
2. Are the risks associated with the implementation of the proposed action significant?	_____	Yes	_____
3. Will the proposed action support probable incompatible floodplain development?	_____	Yes	_____
4. Are there any significant impacts on natural and beneficial floodplain values?	_____	Yes	_____
5. Routine construction procedures are required to minimize impacts on the floodplain. Are there any special mitigation measures necessary to minimize impacts or restore and preserve natural and beneficial floodplain values? If yes, explain.	_____	Yes	_____
6. Does the proposed action constitute a significant floodplain encroachment as defined in 23 CFR, Section 650.105(q).	_____	Yes	_____
7. Are Location Hydraulic Studies that document the above answers on file? If not explain.	_____	Yes	_____

PREPARED BY:

Signature - Dist. Hydraulic Engineer _____ Date _____

Signature - Dist. Environmental Branch Chief _____ Date _____

Signature - Dist. Project Engineer _____ Date _____

* Same as Figure 804.7B Floodplain Evaluation Report Summary located in Chapter 804 of the Highway Design Manual

NEPA REVIEW: Forms and Lists

August 27, 2009 version

[Blue Text - Instructions/Guidance to be deleted]
[Red Text - Instructions to be replaced with text]

[Project Title] NES

[Graphic]

Natural Environment Study

[Discussions of Biological Assessments, Wetland Studies, Mitigation Plan, Monitoring Plan, etc., if applicable]

[General location information]

[General location information]

[General location information]

[District]-[County code]-[Route]-[KP] ([PM])

[EA number]

[Month Year]



[Blue Text - Instructions/guidance to be deleted]
[Red Text - Instructions to be replaced with text]
[Black Text = Boilerplate text]
[Pink Text = Sample text]

[Project Title] NSR

[Graphic]

Noise Study Report

[Project Name]

[General location information]

[District]-[County code]-[Route]-[PM]

[EA or Federal-Aid Project Number]

February 2008



[Blue Text = Instructions and guidance to be deleted]
[Red Text = Instructions to be replaced with text]
[Black Text = Boilerplate text]
[Pink Text = Sample text]

Air Quality Conformity Analysis

[Project Title]

[General location information][District]-[County code]-[Route]-[PM]

[EA or Federal-Aid Project Number]

[Month Year]

Draft

Prepared By: _____ Date: _____

[Author's Name, Title]
[District/Region (if prepared by Caltrans)]
[Consultant Company Name]



NEPA Review: An EA or an EIS?

Consider the following factors:

- Are special resources affected:
 - Public safety or health?
 - Wetlands, floodplains, or ecologically sensitive areas?
 - Important scientific, cultural, or historic resources?
 - Threatened or endangered species or their habitat?
- Is the proposal:
 - Likely to be highly controversial or its impact analysis highly debated?
 - Likely to involve highly uncertain impacts or unique or unknown risks?
 - Likely to pave the way for future actions?
 - Part of a larger proposal?
 - Likely to violate any law or requirement imposed to protect the environment?

If “yes,” consider an EIS rather than an EA or a CE.

NEPA & CEQA Review

CEQA and NEPA both require the evaluation and disclosure of the environmental effects of a project



Comparison of NEPA and CEQA Document Types

NEPA		CEQA	
Document Type	Decision Document	Document Type	Decision Document
Categorical Exclusion (programmatic and non-programmatic)	Categorical Exclusion	Categorical Exemption	Categorical Exemption
Environmental Assessment	Finding of No Significant Impact	Initial Study (IS)	Negative Declaration or Mitigated Negative Declaration
Environmental Impact Statement	Record of Decision (ROD)	Environmental Impact Report (EIR)	Notice of Determination
Reevaluation	Reevaluation	Addendum	Addendum

Source: www.dot.ca.gov/ser/vol1/sec6/ch37joint/chp37.htm

NEPA & CEQA Differences

NEPA requires evaluation of the social and economic effects of a trail project whereas CEQA only requires evaluation of direct physical effects on the environment

- Social Impacts
- Environmental Justice
- Induced Socio-economic impacts
- Section 106 National Historic Preservation Act
- Section 4(f) (recreation lands)

NEPA & CEQA Differences

NEPA requires evaluation of:

- Social Impacts
- Environmental Justice
- Induced Socio-economic impacts



NEPA & CEQA Differences

NEPA requires evaluation of:

- Section 106 National Historic Preservation Act
- Section 4(f) (recreation lands)



Iron Horse Trail, Pleasanton



Joint NEPA & CEQA Review

- Projects may require compliance with both CEQA and NEPA
- A federal lead agency and a local or State lead agency would be identified
- The CEQA and NEPA documents may be combined or separate, but must comply with all NEPA and CEQA requirements

Potential Pitfalls/Obstacles

- Evolving Plans/Designs
(Put the pencils down!)
- Changing Technical Reviewers
- FTIP/STIP Project Descriptions



2013 Federal Transportation Improvement Program

Riverside County
Local Highway
Including Amendments 1-16
(In \$000's)

ProjectID	County	Air Basin	Model	RTP ID	Program	Route	Begin	End	System	Conformity Category	Amendment
RIV090102	Riverside	SSAB		3OM0701	VEN03				L	EXEMPT - 93.126	1

Description: PTC 2,000 Agency COACHELLA VALLEY ASSOC OF GOVERNMENTS

IN THE COACHELLA VALLEY PM-10 PROGRAM - CLEAN VEHICLE ACQUISITION PROGRAM: FLEET ACQUISITION OF ALTERNATIVE FUEL SWEEPERS FOR REGIONAL STREET SWEEPING PROGRAM OF MAJOR ARTERIALS, FOR THE REDUCTION OF PM10 FUGITIVE DUST THROUGHOUT THE COACHELLA VALLEY (\$229 TOLL CREDITS USED TO MATCH CMAQ IN CONST).

Fund	ENG	R/W	CON	Total	Prior	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018	Total
CMAQ			2,000	2,000				2,000				2,000
RIV090102 Total			2,000	2,000				2,000				2,000

ProjectID	County	Air Basin	Model	RTP ID	Program	Route	Begin	End	System	Conformity Category	Amendment
RIV131005	Riverside	SSAB		3NL04	NCN25				L	EXEMPT - 93.126	15

Description: PTC 80,000 Agency COACHELLA VALLEY ASSOC OF GOVERNMENTS

IN EASTERN RIVERSIDE COUNTY FOR CVAG: CONSTRUCT NEW 52 MILE BICYCLE, PEDESTRIAN AND LOW SPEED ELECTRICAL VEHICLE PATH FROM CITY OF PALM SPRINGS TO CITY OF COACHELLA (PA&ED ONLY).

Fund	ENG	R/W	CON	Total	Prior	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018	Total
AGENCY	1,291			1,291		300	591	400				1,291
COUNTY	750			750		250	350	150				750
RIV131005 Total	2,041			2,041		550	941	550				2,041

ProjectID	County	Air Basin	Model	RTP ID	Program	Route	Begin	End	System	Conformity Category	Amendment
RIV010209	Riverside	SCAB		RIV010209	CAN67				L	NON-EXEMPT	1



Project Sheet - RIV131005

2015 FTIP (FY 2014/2015 - FY 2019/2020)

Modified Reject

Cost in Thousands

Project ID	RIV131005	County: Riverside	Version: 9	Amendment	0	
Agency	COACHELLA VALLEY ASSOC OF GOVERNMENTS					
System	L	Route		CTC Update	2/14/2014 8:59 AM	
Begin PM		Conform Cat.	NON-EXEMPT	by	eric	
End PM		Air Basin	SSAB	SCAG Update	2/14/2014 8:58 AM	
Phase	Environmental Document/Pre-design Phase (PA&E)					
Program Code:	NCN25	BICYCLE & PEDESTRIAN FACILITIES-NEW			RTP ID	3NL04
Scheduled Dates	Starting	Ending	Completion Date:	CTIPS ID	20940004093	
PAED			12/31/2019	Model No.		
PS&E(ENG)			Conformity Category:	Env. Doc. Type	EA/APPROVAL	
ROW			NON-EXEMPT	Env. Doc. Date	10/1/2015	
CON			Current Project Status:	Year Added		
			Modified Reject (as of 2/14/2014 8:59:24 AM)			

Change Reason: NEW PRJ

Project Description:

Project Total Cost: 65,041

IN EASTERN RIVERSIDE COUNTY FOR CVAG: CONSTRUCT IN PHASES A NEW 50 MILE BICYCLE, PEDESTRIAN AND LOW SPEED ELECTRICAL VEHICLE PATH FROM CITY OF DESERT HOT SPRINGS TO THE SALTON SEA ROUGHLY ALONG WHITEWATER RIVER. PH 1 WILL CONSTRUCT LINK FROM PALM SPRINGS TO COACHELLA. FUTURE PHASES WILL CONSTRUCT LINK FROM DESERT HOT SPRINGS TO PALM SPRINGS AND COACHELLA TO THE SALTON SEA.

Fund Type	Fiscal Year	ENG	ROW	CON	Fund Total
	2012/2013	300			300
	2013/2014	591			591
	2014/2015	1,400			1,400
	2015/2016	9,600	7,100		16,700
	2017/2018			20,700	20,700
AGENCY		11,891	7,100	20,700	39,691
	2017/2018			12,600	12,600
CMAQ				12,600	12,600
	2012/2013	250			250
	2013/2014	350			350
	2014/2015	150			150
COUNTY		750			750
	2017/2018			10,000	10,000
PRIVATE FUNDS				10,000	10,000
	2017/2018			2,000	2,000
STIP ADVANCE CON-RIP				2,000	2,000
Total		12,641	7,100	45,300	65,041

Comments

Amendment 2013 FTIP - A15: New project in Quadrennial years. Agency funding includes grant from Strategic Growth Council and Planning grant from Caltrans.

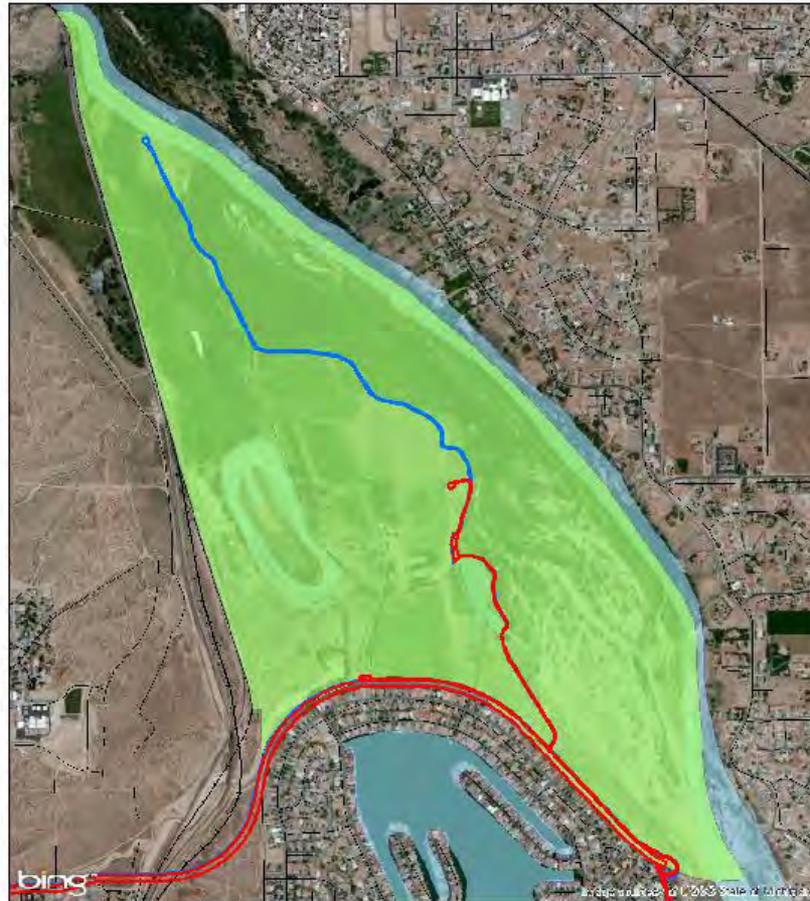
main 2015 FTIP - New Project in the 2015 FTIP Quadrennial years. Agency funding includes grant from Strategic Growth Council and Planning grant from Caltrans, local CVAG funds and Air Quality Funds from SCAQMD. Total funds of \$65,041 includes Phase I work only. CMAQ PM 2.5 benefits consist of 7.456 kg/day for phase I work only

Status Per Eric

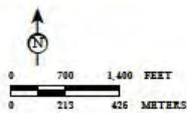
Potential Pitfalls/Obstacles

- Survey Seasons (Typically Spring)
- Construction Timing (Nesting)
- No Credit for Positive Impact





ATTACHMENT 3



- Project Boundary 2/15/2013
- Project Boundary 4/19/2012
- Mojave Narrows Regional Park

Mojave Riverwalk Project
 Comparison of Current Trail
 Alignment and Previous Alignment
 in Mojave Narrows Regional Park

SOURCE: Bing Aerial, 2010; Thomas Bros, 2009; AHS Planning, 2012, 2013
 I:\CV11201\Report\Section4\Attach3_TrailDiff_sec4f.mxd (10/14/2013)

Potential Pitfalls/Obstacles

- Jurisdictional Waters (ACOE - Nationwide vs. Individual Permit)
- Section 4(f) and 6(f)
- Cultural Resources
- Community Impacts
- Visual Impacts

Strategies to Streamline

- Cost-Benefit of Federal Funds
- Preliminary Environmental Study (PES) Form
- Lower-Level Technical Studies and Environmental Documents



10/01/2013

Strategies to Streamline

- Get to know your reviewers and familiarize them with the project
- Tier from Existing Documents
- Avoid Sensitive Areas





MAP-21: Moving Ahead for Progress in the 21st Century Act

- Operational ROW CE: adopt a CE for projects within existing "operational rights-of-way."
- Limited Federal Funding CE: adopt a CE for projects receiving < \$5 million in federal funds.