

Environmental Assessment / EAW Documentation

Objectives

An Environmental Assessment (EA) is the document used for federal NEPA Class III actions. The Environmental Assessment Worksheet (EAW) is a state form. MnDOT typically uses a combined EA/EAW form for federal actions. Projects requiring a state EAW that do not have any federal actions can use the EAW form alone.

Federal

MnDOT prepares an Environmental Assessment (EA) for federal actions which are not Categorical Exclusions, and where the potential significance of the environmental effects is not clearly established. The primary purpose of an EA is to help the FHWA and MnDOT decide whether an Environmental Impact Statement (EIS) is needed. Therefore, the EA should address only those resources or features which the FHWA and MnDOT decide may have a likelihood for being significantly impacted. The EA should be a concise document. The EA should use good quality maps and exhibits incorporated by reference, and summarize background data and technical analyses to support the concise discussions of the alternatives and their impacts.

At a federal level, the [National Environmental Policy Act of 1969](#) (NEPA) contains the legal basis for environmental review. The Council on Environmental Quality (CEQ) has issued regulations for carrying out NEPA in [40 CFR 1500-1508](#). [40 CFR 1508.9](#) defines an Environmental Assessment. Further CEQ guidance can be found in a paper entitled [NEPA's Forty Most Asked Questions](#). FHWA has issued regulations because of the CEQ regulations. 23 CFR 771.119 covers EAs. FHWA has also issued Technical Advisory [TA6640.8A](#), entitled Guidance for Preparing and Processing Environmental and Section 4(f) Documents, which provides additional guidance on preparing EAs. These are the principal references for federal EA requirements and guidance.

State

MnDOT prepares an Environmental Assessment Worksheet (EAW) for the state review process. The purpose of the EAW is basically the same as an EA, but at a state level. Minnesota Environmental Quality Board (MEQB) rules at Minnesota Rule [4410.3900](#) allow for joint federal and state environmental documents, so that one document can

comply with all applicable laws. The EA may also function as a state Environmental Assessment Worksheet (EAW).

At the state level, the Minnesota Environmental Policy Act (MEPA) contains the legal basis for environmental review. The MEPA is contained in Minnesota Statute at chapter [116D](#). The MEQB is responsible for Minnesota's environmental review program. State EAW rules developed by MEQB begin at [4410.1000](#). MEQB's [Guide to Minnesota Environmental Review Rules](#) offers additional guidance on Minnesota's environmental review program. MEQB has also developed guidance for preparing EAW titled [EAW Guidelines - Preparing Environmental Assessment Worksheets](#).

MnDOT, together with the FHWA, consults with other affected or interested agencies and parties in developing the document. The development of the EA can be terminated at any point when it is determined that the proposal is a Class I (EIS) action. The complete EA will be made available for review and comment, and circulated as described in *EA/EAW Circulation and Processing* (below).

Format and Content

Format and content for an EA is found in FHWA Technical Advisory [T6640.8A](#). MnDOT uses a slightly different format, which is described below. (See [EA outline](#)).

Cover sheet

I. Report Purpose

Discusses how the EA fits into the broader project development process.

II. Purpose and Need for Project

This section of the EA identifies and describes the transportation system deficiencies or problems that need to be addressed by the proposed action. Often project needs can be explained in one or two paragraphs. On projects where a law, Executive Order, or regulation (e.g., Section 4(f), Executive Order 11990 (wetlands), or Executive Order 11988 (floodplains)) mandates an evaluation of avoidance alternatives, the explanation of the project need should be more specific so that avoidance alternatives not meeting the stated project need can be readily dismissed.

Additional information on documenting project needs is provided in the [Purpose and Need](#) guidance.

For more guidance, see the following FHWA documents:

- [*The Development of Logical Project Termini*](#)
- [*The Importance of "Purpose and Need" in Environmental Documents*](#)

III. Alternatives

According to FHWA's [T6640.8A](#), this section should discuss the alternatives being considered, including the no-build. The EA may discuss either the preferred alternative and identify other alternatives considered. Or if a preferred alternative has not been identified, may discuss all alternatives under consideration. However, the EA does not need to evaluate all reasonable alternatives for the project in detail, and may be prepared for one or more build alternatives.

It is advisable to carry forward more than one build alternative into the EA process. If one of the alternatives encounters a fatal flaw (e.g., community opposition, wetland impacts, section 4(f) impacts), one of the other alternatives can be carried forward.

Discuss location. If the project is basically on existing location, briefly explain why new locations are inappropriate.

If there are Section 4(f), wetland, floodplain, or historic impacts, then alternatives to avoid or reduce these impacts must be analyzed. Such alternatives may not be "reasonable" project alternatives in the overall project context, but they still must be considered to meet the applicable requirements. Normally these are included in the next section (Social, Economic and Environmental Impacts), unless they are "reasonable" alternatives in a general context, in which case they would appear in this section.

Typically, alternatives can be grouped into two subsections;

- Considered but rejected,
- Under consideration.

"Alternatives considered but rejected" are alternatives that do not meet the stated purpose and need of the project and therefore are rejected. This subsection states the reasons for rejecting these alternatives.

"Alternatives under consideration" are alternatives that meet the purpose and need of the project (unless impacts are too great). The No Build alternative, and build alternatives meeting the stated purpose and need are described in this subsection. If an

alternative is recommended, it is identified as the Preferred Alternative. All the alternatives **under consideration** are described to the same level of detail.

Lastly, the Benefit Cost Analysis sub-section identifies the positive economic gains from project alternatives and compares it to the investment made in order to ensure that infrastructure investments strengthen the economy. A Benefit-cost analysis is done for all Trunk Highway EA projects.

IV. Social, Economic, and Environmental Impacts (SEE)

This section contains two sub-sections:

- State Environmental Assessment Worksheet (EAW)
- Federal Issues

State Environmental Assessment Worksheet (EAW)

The EAW form is used in Minnesota for environmental review of projects meeting certain thresholds at Minnesota Rule [4410.4300](#). The EAW form addresses many types of projects including highways, power plants, commercial developments, etc. Minnesota Rule [4410.1300](#) says, in part "If a federal Environmental Assessment has been prepared for a project, the Environmental Assessment document may be circulated in place of the EAW form, provided that the Environmental Assessment addresses each of the environmental effects identified in the EAW form." Including the EAW form in the EA insures each of the environmental effects identified in the EAW form are discussed. The Minnesota Environmental Quality Board (MEQB) has prepared [EAW Guidelines - Preparing Environmental Assessment Worksheets](#) as an aid to completing the EAW form. The HPDP Subject Guidance also offers help in completing the EAW form.

Additional question-specific guidance:

EAW question 6b (project description)

Refer the reader to the EA Section III (Alternatives), which should include project alternative costs, and a proposed schedule.

EAW question 6c (project purpose)

Refer to the EA Section II (Purpose and Need for Project).

EAW question 8 (Permits and approvals required)

Refer to the EA Section V (Public and Agency Involvement) for a list of permits and approvals required for the project.

Summary of Issues

Proposed mitigation and commitments should be explained under the respective subject areas. Additionally, attach a list of mitigation and commitments to the appendix for the [Environmental Management Plan \(EMP\)](#).

Federal Issues

According to FHWA's [T6640.8A](#), for each alternative being considered, the impact section discusses any social, economic, and environmental impacts whose significance is uncertain. The analysis should be sufficient to adequately identify the impacts and appropriate mitigation measures, and address known and foreseeable public and agency concerns. It describes why these impacts are considered not significant. Identified impact areas, which do not have a reasonable possibility for individual or cumulative significant environmental impacts need not be discussed.

The EAW form does not address all the federal issues expected in an EA. Some issues are related; others are not mentioned. Related federal issues can be addressed in the appropriate EAW section by including language addressing federal laws, regulations and executive orders. See the table below for a list of related issues, and the EAW question where the federal requirement can be addressed.

Related Federal issues to be discussed in EAW

Related Federal issue	Discuss in EAW Question	Guidance used to address federal issue
Migratory Bird Treaty Act	13	HPDP, Fish and Wildlife, (see Migratory Bird)
Federal Threatened and Endangered Species	13.b.	HPDP, Threatened and Endangered Species, Fed
Wetlands	7, 11, 13	T6640.8A
Coastal Zones	11	T6640.8A
Floodplains	11	T6640.8A
Federal Wild & Scenic Rivers	11	T6640.8A
Air Quality	16	HPDP, Air Quality
Construction Impacts	16.c., 17	T6640.8A
Historical Archaeological Cultural	14	T6640.8A
Farmlands	9	T6640.8A
Section 4(f)	9	HPDP, Section 4(f)
Section 6(f) / LAWCON	9	HPDP - 6(f)/LAWCON

Certain federal issues are not discussed in the EAW form. Generally these are social issues. Subheadings addressing these issues are listed in the EA template under the heading "**Additional Federal Issues.**"

V. Public and Agency Involvement (Including Permits/Approvals)

According to FHWA's [T6640.8A](#), this section should describe the early and continuing coordination efforts; summarize key issues and pertinent information received from the public, Native American Tribes, and government agencies through these efforts; and list the agencies and (as appropriate) members of the public consulted.

In addition, this section lists permits and approvals required for the project. It also explains the comment and hearing process, report distribution, and the environmental decision process that takes place following closure of the public comment period. (See sample text in the [EA outline](#)).

Appendix

The appendix contains supplemental material referenced in the EA. It should begin with a sheet listing the items contained in the appendix. Typically, these may include the letters from other agencies expressing concerns, comments, and coordination activities (e.g., MnDOT responses to Department of Natural Resources Questionnaire, and consultation letters from State Historic Preservation Officer). Scoping reports and other internal MnDOT correspondence are often useful in showing project purpose and need. Bridge projects often require additional internal MnDOT reports such as Bridge Recommendations, Bridge Inspection Sheets, Hydraulic Recommendations, etc., to show need and set design parameters and constraints.

A project-specific Environmental Management Plan ([EMP](#)) is required for all projects with an EA or EAW, including design-bid-build, design build, and construction manager general contractor (CMGC) procured projects. The EMP begins with commitments listed in the appendix of the EA or EAW.

If a Section 4(f) Evaluation is needed, include it last in the appendix, and mark it clearly as a separate evaluation from the EA.

The Design Memorandum, if complete, may also be appended to the EA/EAW. If there are design exception(s) in the Design Memorandum, approval is handled separately from the EA approval, and must occur after or concurrent with the FONSI.

Circulation and Processing (EA/EAW)

This process has four stages:

- I. Review/Approval by CO
- II. Review/Approval by FHWA
- III. Public Review and Comment
- IV. Request for FONSI (Finding of No Significant Impact)

I. Review/Approval by CO and FHWA

1. District distributes preliminary report for review to Central Office and to FHWA.

- Get signature blocks from [Who Approves Project Documents](#).
- [Distribute](#) copies to OES/FHWA and other CO groups using transmittal memo for guidance on FHWA review/approval, see page 14 – 16 of [FHWA & MnDOT Stewardship & Oversight Plan](#).

2. Reviewers provide comments to District

OES completes review in 30 days prior to FHWA review.

FHWA completes review in 30 days per Stewardship Agreement.

OES, FHWA and CO State Aid (if local agency is involved and using federal aid funds) review and send comments to project manager.

3. District revises report

- Decides if substantial comments or outstanding issues warrant a meeting of reviewers.
- Revises report based on comments received and this becomes final document.
- District Engineer:
- Recommends approval and signs two copies of EA/EAW
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4. District distributes final report for review and approval

District sends to:

OES – One EA/EAW's with two original signature pages

FHWA – One copy of EA/EAW

CO State Aid – One copy of EA/EAW (If local agency involved and using federal aid funds)

5. OES and FHWA and CO State Aid conduct final review of EA/EAW

Review report against preliminary report comments. For any unresolved issues, call Project Manager.

6. OES Approves/Processes EA/EAW

Chief Environmental Officer signs (once all comments are adequately addressed):

- Two original signature pages
- Distribution letter that will be sent with copies to MEQB list and others

OES sends to FHWA:

- One copy of the signed EA/EAW (and two original signature pages)
- Distribution letter that will be sent with copies to MEQB list and others

OES sends to Project Manager:

- One signed EA/EAW after Step #7 below is completed.

7. FHWA Approves EA (14 day review period per Stewardship Agreement)

FHWA Area Engineer

- Signs two original EA/EAW signature pages
- One is kept for FHWA records
- One is sent to OES (which will be forwarded to District by OES)

II. Public Review and Comment

8. District plans for public distribution

- Works with OES to get MEQB Monitor notice placed
- Places appropriate notice in local newspaper
- OES sends signed EA/EAW back to District
- District selects a target [EQB Monitor publication date](#) for Notice

9. OES sends Notice information to EQB Monitor

- Sends at least seven days prior to publication date
- Notice includes the following:
 - Name and location of the project
 - Brief description of the work being done
 - Locations where the EA/EAW can be reviewed
 - The Comment Period: Usually 30 days
 - Is 45-days if EA/EAW includes a Draft Section 4(f) Evaluation.
 - Date, Time and Location of Public Meeting
 - A note that the EA/EAW is made available at the public meeting and for at least 15 days prior to the public meeting.

10. District provides similar information in a press release to newspaper

- The newspaper should be in general circulation in the project location
- Notice should appear within five days after the EA/EAW distribution.

11. District distributes document using [EA/EAW Distribution](#) worksheet.**12. District holds public hearing or public meeting**

A transcript is made of the Public hearing, and will be included in the *Request for FONSI* (see below).

III. Request for FONSI (Finding of No Significant Impact)**13. District assembles the Request for FONSI**

(Only if no significant impacts have been found).

The *Request for FONSI* includes the following attachments:

- Findings of Facts and Conclusions
- Affidavit of Publication from newspaper
- Public Hearing transcript, if one was held
- [Certificate of Compliance](#)
- List of environmental commitments for the [EMP](#)

14. District sends *Request for FONSI*, first to OES for review and comment, then to FHWA for review and comment

- Sends a hard copy to OES and FHWA
- Also includes an electronic copy to OES

15. OES works with FHWA and the District to finalize the document

- Edits electronic file if changes are minor
- Works with District and FHWA to resolve outstanding issues
- District resubmits document if major changes are necessary

16. OES transmits final Request for FONSI to FHWA

Chief Environmental Officer signs Findings of Facts and Conclusions and FONSI request letter and sends to FHWA.

17. FHWA reviews final document and issues FONSI if in agreement

FHWA sends FONSI to MnDOT.

18. District completes the *Negative Declaration*

(The *Negative Declaration* is for the State Environmental Review Process)

- District writes the FOF&C providing the Negative Declaration
- The Chief Environmental Officer signs the FOF&C (Negative Declaration)
- OES notifies EQB of the Negative Declaration

19. District compiles final EQB Distribution Package and sends to the District

This includes:

- Findings of Facts and Conclusions
- Negative Declaration
- FONSI (signed by FHWA)

20. District distributes the EQB Distribution Package

(This step completes the EA/EAW process).

- Sends EQB Distribution Package (use MnDOT [EA/EAW Distribution](#) worksheet) with distribution letter
- This distribution includes a copy to everyone who commented on the EA/EAW.