Improving the Quality of Environmental Documents

Online Seminar hosted by ACEC and AASHTO
Goal of this Webinar

• To promote the report “Improving the Quality of Environmental Documents”.

• To educate all on Quality Documentation tools and tips to make your Transportation Decisions more successful.
Agenda

• Introduction/Overview- Tim Hill
• How did we get here?- Tim Hill, Hal Kassoff, and Carol Lee Roalkvam
• Is this Legal?- Lamar Smith
• What is a Quality Document?- Carol Lee Roalkvam and Hal Kassoff
• Where do we go from here?- Lamar Smith
• Wrap up- Q/A- Tim Hill
History

• May 2003: AASHTO/ACEC Joint Committee id. and discusses issues.
• April 2003- SCOE identifies Quality of Environmental Documents as #1 issue.
• March – May, 2004: Survey conducted to identify problems.
• June 8, 2004: Workshop – 43 states, 22 consultants, 12 FHWA represented
  – Quality of environmental documents.
  – Legal Sufficiency.
  – Training and Education.
• April 18, 2005- Chicago Team workshops
Team 1: Environmental Documents

- Quality of documents varies greatly and a recommended process to develop quality documents is not available
- Core principles that make a quality document
  - Clear, concise, consistent and one voice
- Tools should be developed to promote consistency of documents while allowing for creativity and flexibility

The Quality Task Team included:
- Carol Lee- Washington DOT
- Brent Jensen- Utah DOT
- Hal Kassoff- PB
- Don Cote- FHWA
- Lindsay Yamane- Parametri
- Jim Horrocks- Horrocks Eng.
- Frank Danchetz- ARCADIS
- Bob Esenwein- Turner Colliee & Braden
- Amy Phillips- BNA
Team 2: Legal Sufficiency

- Defining legal sufficiency standard—“I know it when I see it”—
- Lack of consistency among State DOT and FHWA Division project development and review practices
- Confusion about the level of analytical detail that should be included in NEPA documents

The Legal Task Team included:
- Lamar Smith- FHWA
- Shannon Eggleston- AASHTO
- Michael Brehm- Brehm Env.
- Bill Malley- Akin Gump Strauss Hauer & Field
- David Mattern- Parametrix
- Bill McCartney- Michael Baker Jr
- Lance Hanf- FHWA
- Megan Stanley- PB Consult
- Jack Gilbert- FHWA
- Robert Downie- Florida DOT
- Harold Aikens- FHWA
- Bill Hauser- New Hampshire DOT
- Michelle Fishburne- LOCHNER
Team 3: Training and Education

- There is no national training program available to AASHTO, FHWA, and ACEC members.
- There are no standards on education and training goals.
- A certification/training program should be considered.

The Education Task Team included:
- Tim Hill- OHDOT,
- Andrea Stevenson- OHDOT,
- Dianna Noble- TXDOT,
- Carolyn Ismart- FLDOT,
- John Page- PB,
- Susan Killen- PB,
- Lisa Zeimer- PB,
- Caron Kloser- HNTB,
- John Mettille- Wilbur-Smith,
- Jerry Stump- Wilbur-Smith,
- Pamela Stephenson- FHWA, and
- Kimberly Majerus- FHWA
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Research Objectives:

“Synthesis of Data Needs for EA and EIS Documentation…”

“… A Blueprint for NEPA Document Content”
Research Methodology

- Survey practitioners – Best examples & frequent problems
  - Request to US DOT for “exemplary” documents
  - Requests to State DOTs & others for “Best Examples”
- Identify characteristics of the better documents as well as problems
- Provide Recommendations for Improving Environmental Documents
EIS Documents Examined

1. Alaskan Way Viaduct (Washington State DOT)
2. Mon/Fayette Project (Pennsylvania Turnpike)
3. Route Post 13 (I-15) Interchange (Utah DOT)
4. Southern Corridor (I-15) (Utah DOT)
5. Vancouver Rail Project (Washington State DOT)
6. Fulton Street Transit Center (New York MTA)
7. US 93 Somers to Whitefish (Montana DOT)
8. I-69 Evansville to Indianapolis (Indiana DOT)
9. Mid-Currituck Sound Bridge (North Carolina DOT)
10. Reno Railroad Corridor (Nevada DOT)

All were recognized as superior in some respects

None were recognized as exemplary in all aspects
Survey Results:

What Practitioners Say
(About the Ones Not Listed)
Survey Results: What Practitioners Say
Documents Lack Coherence

• Multiple authors
• Different styles
• Lack continuity
• Data is shot-gunned
• Lack of good graphics
• Key decisions not well explained
• Light on quality control
Survey Results: What Practitioners Say

Data: We Collect & Document Rather than Distill & Analyze

• Data collection easier than analysis - tend to collect more & analyze less

• When in doubt, we don’t leave it out

• Result: Too much data
  – overloads documents
  – confuses readers
Survey Results: What Practitioners Say
Background Data Can Be Separate

- Utah DOT’s I-15 FEIS is just 160 pages!
- Alaskan Way Appendices: CD contains 320MB of data
Survey Results: What Practitioners Say

Don’t Short-Change Summary

- Many will only read summary
- Good summary cannot be an afterthought
Do We Need a “New Blueprint?”

Despite major time & money invested in preparing environmental documents

- NEPA documents have not been very effective in communicating information
- 70% of readers show no better understanding of projects after reading EIS (U. of Illinois study)
- A “New Blueprint” is recommended
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Reader-Friendly Environmental Documents

Improving the way Washington DOT engages and informs the public and decision-makers

Carol Lee Roalkvam
Policy Branch Manager
Environmental Services Office

AASHTO/ACEC on-line seminar
May 17, 2007
What’s the problem?

“NEPA documents today are largely written (in unreadable language) for two constituencies: federal district court judges and federal agency permit-writers.”

— Doug MacDonald, WSDOT Secretary of Transportation (2002)

“Documents are much too cumbersome for either the public or decision-makers to identify relevant issues.”

— AASHTO/ACEC 2004 Joint Survey

“What is often lacking in EISs is not raw data, but meaning ...expressed in clear, concise language. NEPA is about making choices, not endlessly collecting raw data.”

— Council on Environmental Quality
The Reader-Friendly Approach to Environmental Documents

Why and how we developed it.

What were the results?
The Story

Our story begins in the heart of downtown Seattle along a 4 mile stretch of SR 99.
The project will improve public safety and shape regional transportation and downtown Seattle for the next 100 years.

Both facilities are critical to the region’s infrastructure; no action could be devastating.
A different approach was needed.
Back to Basics of NEPA

**40 CFR 1500-1508**: Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail. Emphasize the portions of the EIS that are useful to decision makers and the public.

**40 CFR 1502.8**: Environmental impact statements shall be written in plain language and may use appropriate graphics so that decision makers and the public can readily understand them.

**40 CFR 1502.2**: Environmental impact statements shall be analytic rather than encyclopedic.
Guiding lights

- **Joseph Williams** – Clear Writing  
  *Style: Ten Lessons in Clarity and Grace*
- www.plainlanguage.gov
- **Edward Tufte** – Robust Graphic Design  
  *The Visual Display of Quantitative Information*
- NEPA regulations
(Re) Implementing NEPA

• Complete technical analysis contained in appendices to the EIS.
  – Draw conclusions

• The body of the EIS would contain information important to the decision.
  – More than a summary

• This approach creates a concise EIS that people can read and understand.
  – Not a data dump
  – Collect, analyze, and determine significance
Developing the EIS

• Guiding Principles
  – Tell a story
  – Engage the reader
  – Make it visual
  – Make it brief

These became WSDOT’s four reader-friendly concepts.
Tell a Story

How do you tell a story?

- Write clearly, use simple language
- To write clearly you must think clearly
- Explain the problem and why people should care
- Make the reader a character in the story
- Organize the document to tell a story
Tell a Story
Make the reader a character in the story

Traditional Writing

Intersections that are projected to operate with especially long delays or overcapacity during the PM peak hour are identified as “congested intersections”. These intersections are those that operate under LOS F conditions (average vehicle delay of greater than 80 seconds) or ICU greater than 100 percent. Congested intersections are further identified as “highly congested” if they exceed 110 seconds of average vehicle delay and have an ICU of great than 110 percent.

This paragraph talks about LOS, PM Peak, and ICU—meaningless terms to most readers.

Reader-Friendly Writing

What are congested and highly congested intersections?

Congested intersections are intersections that cause drivers considerable delay. A driver might wait between one and two minutes to get through a traffic signal at a congested intersection. At a highly congested intersection, a driver might wait two minutes or more to get through the traffic signal.

This paragraph explains how congested intersections affect drivers.
Engage the Reader

How do you engage readers?

• Use question and answer headings
• Define terms and spell out acronyms
• Avoid jargon
• Use easy to read layouts to keep the reader from being overwhelmed
Engage the Reader

**Use question and answer headings**

<table>
<thead>
<tr>
<th>Traditional EIS</th>
<th>WSDOT Reader-Friendly</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purpose and Need</td>
<td>Why do we need the Project?</td>
</tr>
<tr>
<td>Project Termini and why they are logical</td>
<td>Where is the project located?</td>
</tr>
<tr>
<td>Social and Community Impacts</td>
<td>How would the alternative affect neighborhoods and the people who live there?</td>
</tr>
</tbody>
</table>
Engage the Reader

**Design for your reader**

**Header**

*Explain the problem and why people should care.*

**Text**

The story of your project will be more interesting to the reader if they can immediately understand its purpose and why they should care about it. This is also an engaging way to present the purpose and need of your project. Every project is striving to fix some problem such as a safety issue,
Make It Visual

How do you make it visual?

• Include graphs, charts, and illustrations rich with information.
• Exclude tables unless they are truly helpful.
• Good graphics take time, planning, and thought.
  - Communicate a large amount of data quickly
  - Helps analysis
Make It Visual
Tables vs. Maps

### Exhibit 5-26. Congested Intersections by Sub-area

<table>
<thead>
<tr>
<th>Street</th>
<th>2002 Existing</th>
<th>2020 Exception Facility</th>
<th>Rebuild</th>
<th>Aerial</th>
<th>Tunnel</th>
<th>Bridge</th>
<th>Tunnel</th>
<th>Surface</th>
</tr>
</thead>
<tbody>
<tr>
<td>South</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Moderately Congested</td>
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<td>0</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Highly Congested</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
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<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Central</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Moderately Congested</td>
<td>7</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>4</td>
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<td>2</td>
<td>1</td>
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<tr>
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<td>8</td>
<td>7</td>
<td>7</td>
<td>5</td>
<td>5</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>North Waterfront</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td></td>
</tr>
<tr>
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<td>0</td>
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<td>0</td>
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<tr>
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<td>0</td>
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<td>0</td>
<td>0</td>
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<tr>
<td>North</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Moderately Congested</td>
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<td>5</td>
<td>3</td>
<td>7</td>
<td>7</td>
<td>7</td>
<td>6</td>
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<td>0</td>
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</tr>
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<td>5</td>
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<td>7</td>
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<td>15</td>
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<td>14</td>
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<tr>
<td>Highly Congested</td>
<td>0</td>
<td>5</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Congested Intersections</td>
<td>10</td>
<td>15</td>
<td>15</td>
<td>18</td>
<td>16</td>
<td>16</td>
<td>23</td>
<td></td>
</tr>
</tbody>
</table>

This map shows the spatial pattern in the data.

This table lacks spatial context.
Make It Visual
Illustrated Graphs

Noise Levels for Each Alternative

Tunnel Noise Calculations at Spring Street

<table>
<thead>
<tr>
<th>Location</th>
<th>distance</th>
<th>tunnel</th>
</tr>
</thead>
<tbody>
<tr>
<td>10’ feet East of AWV</td>
<td>340</td>
<td>86.8</td>
</tr>
<tr>
<td>20’ East of AWV</td>
<td>350</td>
<td>85.4</td>
</tr>
<tr>
<td>30’ East of AWV</td>
<td>360</td>
<td>84.7</td>
</tr>
<tr>
<td>40’ East of AWV</td>
<td>370</td>
<td>84.4</td>
</tr>
<tr>
<td>50’ East of AWV</td>
<td>380</td>
<td>84.1</td>
</tr>
<tr>
<td>60’ East of AWV</td>
<td>390</td>
<td>83.8</td>
</tr>
<tr>
<td>70’ East of AWV</td>
<td>400</td>
<td>83.6</td>
</tr>
<tr>
<td>80’ East of AWV</td>
<td>410</td>
<td>83.5</td>
</tr>
<tr>
<td>90’ East of AWV</td>
<td>420</td>
<td>83.3</td>
</tr>
<tr>
<td>100’ East of AWV</td>
<td>430</td>
<td>83.2</td>
</tr>
<tr>
<td>125’ East of AWV</td>
<td>455</td>
<td>83.3</td>
</tr>
<tr>
<td>150’ East of AWV</td>
<td>480</td>
<td>83.4</td>
</tr>
<tr>
<td>175’ East of AWV</td>
<td>505</td>
<td>83.7</td>
</tr>
<tr>
<td>100’ West of AWV</td>
<td>190</td>
<td>62.5</td>
</tr>
<tr>
<td>200’ West of AWV</td>
<td>180</td>
<td>61.9</td>
</tr>
<tr>
<td>300’ West of AWV</td>
<td>170</td>
<td>61.3</td>
</tr>
<tr>
<td>400’ West of AWV</td>
<td>160</td>
<td>60.7</td>
</tr>
<tr>
<td>500’ West of AWV</td>
<td>150</td>
<td>60.3</td>
</tr>
<tr>
<td>600’ West of AWV</td>
<td>140</td>
<td>60.0</td>
</tr>
<tr>
<td>700’ West of AWV</td>
<td>130</td>
<td>59.7</td>
</tr>
<tr>
<td>800’ West of AWV</td>
<td>120</td>
<td>59.4</td>
</tr>
<tr>
<td>900’ West of AWV</td>
<td>110</td>
<td>59.1</td>
</tr>
<tr>
<td>1000’ West of AWV</td>
<td>100</td>
<td>58.9</td>
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<tr>
<td>125’ West of AWV</td>
<td>75</td>
<td>58.5</td>
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<td>150’ West of AWV</td>
<td>50</td>
<td>58.2</td>
</tr>
<tr>
<td>175’ West of AWV</td>
<td>25</td>
<td>57.9</td>
</tr>
<tr>
<td>200’ West of AWV</td>
<td>0</td>
<td>57.6</td>
</tr>
</tbody>
</table>

These graphs are showing how loud traffic would be at various distances from Alaskan Way. If you were standing where the X is, the noise level would be about 72 dBA. This is similar to the noise you would hear standing 3 feet from a blender.

Exhibit 3-9

Reader-Friendly
Environmental Documents
Make It Brief
How do you make it brief?

• Lead agencies must focus on **relevant** information
• Summarize information and conclusions
• Include detailed analyses with the EIS as appendices
  – Reference throughout the EIS
  – CDs for background information
Make It Brief

Initial text describing Construction Sequencing
Make It Brief
Construction text summarized in a chart

Construction Activities Chart
Timeline Assumed Full Project Funding

**Shorter Construction Plan**
- Tunnel – 10 mos.
  - Remove existing viaduct
  - Replace SR-520 from S. 4th to S. King
  - Complete SR-509 Paseo
  - Build tunnel along the central waterfront
  - Replace the island from Pine to the Battery Street Tunnel
  - Complete Katy Street Tunnel improvements
  - Complete construction of north and improvements

**Intermediate Construction Plan**
- Tunnel – 12 mos.
  - Complete the east half of the SR-509 ramp
  - Construct new northbound SR-509 from S. 4th to S. King
  - Complete northbound SR-509 from Pine to Broadway Street
  - Complete Katy Street Tunnel improvements
  - Complete north and construction of the Partially Laided Acres improvements

**Longer Construction Plan**
- Elevated Structure – 30 mos.
  - Complete the east half of the SR-509 ramp
  - Construct new northbound SR-509 from S. 4th to S. King
  - Complete northbound SR-509 from Pine to Broadway Street
  - Complete Katy Street Tunnel improvements
  - Complete north and construction of the Partially Laided Acres improvements

- Elevated Structure – 12 mos.
  - Complete the east half of the SR-509 ramp
  - Construct new northbound SR-509 from S. 4th to S. King
  - Complete northbound SR-509 from Pine to Broadway Street
  - Complete Katy Street Tunnel improvements
  - Complete north and construction of the Partially Laided Acres improvements

Reader-Friendly Environmental Documents
Quality and brevity require translation and citation

- Tools for the technical and legal reader
- Don’t forget NEPA audiences.
  - Legal requirements must be met.
- Develop tools for technical and legal reviewers.
  - Technical analysis
  - NEPA index
  - Annotated outline
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Is This Legal?

Lamar S. Smith, CEP
FHWA
Essentials Elements of NEPA

- Proposal – purpose and need
- Consideration and analysis of alternatives
- Impact analysis
- Avoidance, minimization of harm (mitigation)
- Public involvement
- Interagency coordination
- Decision
- Documentation
Essentials Elements of NEPA

- Proposal – purpose and need
- Consideration and analysis of alternatives
- Impact analysis
- Avoidance, minimization of harm (mitigation)
- Documentation
- Public involvement
- Interagency coordination
- Decision
Essentials Elements of NEPA

- Proposal – purpose and need
- **Documentation**
- Consideration and analysis of alternatives
- Impact analysis
- Avoidance, minimization of harm (mitigation)
- Public involvement
- Interagency coordination
- Decision
Result

- Unwieldy documents… “voluminous, wordy, repetitive, complex and cumbersome”
- Over emphasis on “information” rather than analysis and decisionmaking
- Focus on an “air tight” legally defensible documents
- Not public friendly
- Not decision-maker friendly
CEQ Regulation 1502.10

Agencies shall use a format for environmental impact statements which will encourage good analysis and clear presentation of the alternatives including the proposed action. The following standard format for environmental impact statements should be followed unless the agency determines that there is a compelling reason to do otherwise:
“Standard” CEQ Format

a) Cover sheet
b) Summary
c) Table of contents
d) Purpose of and need for action
e) Alternatives including proposed action
f) Affected environment
g) Environmental consequences
h) List of preparers
i) List of Agencies, Organizations, and persons to whom copies of the statement are sent
j) Index
k) Appendices (if any)
If a different format is used, it shall include paragraphs (a), (b), (c), (h), (i), and (j), of this section and the substance of paragraphs (d), (e), (f), (g), and (k) …

...Purpose and Need

...Alternatives

...Affected Environment

...Environmental Consequences
Which Looks Something Like …

- Cover Sheet
- Summary
- Table of Contents

- The essence of Purpose of and Need for Action, Alternatives, Affected Environment, Environmental Consequences

- List of Preparers
- List of Agencies, Organizations and Persons to Whom Copies of the Statement are Sent
- Index
- Appendices
And Includes

- Plain language – respect your audiences
- Analytic not encyclopedic – concise as possible
- No longer than necessary to evidence compliance of NEPA and other applicable requirements
- Analysis that is commensurate with significance or degree the issue influences the decision
- Brief discussion of other non major issues - only enough to explain why more study is not warranted
- Rely on appendices and the administrative record
- Good graphics and other means of communication
Simple Answer

YES
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“Improving the Quality of Environmental Documents”

A Report of the AASHTO/ACEC Joint Committee in cooperation with FHWA
What is in the report?

Intro:

• Brief history on the joint AASHTO/ACEC/FHWA Initiative
• Why do we need to improve NEPA documents?
• What is a quality NEPA document?
What went into the joint report?

Key ingredients:

• Results of survey & two joint workshops
• Team review of works from many DOTs
  ✓ Washington DOT’s Toolkit
  ✓ Caltran’s Style Guide
  ✓ NCHRP 25-25 (01) Blueprint
AASHTO & ACEC Task Force Survey

**NEPA Documents:**
- Are large, repetitive, complex, cumbersome
- Are often inconsistent among different authors
- Lack a coherent story and logical progression
- Focus on being legally “air tight” vs. readable
- Not particularly useful for decision making
Another resource: Washington State’s Reader-Friendly Document Toolkit

Guidance on how to:

– Create consistent look and feel
– Build clear, concise and relevant documents
– Customize to meet your project’s needs
Recommendations for improving quality

• Follow core principles (next slide)
• Use the scoping process to focus on key issues and to help tailor level of detail
• Do a summary for circulation if the document is long
• Incorporate data by reference
Core principles for improving quality

• Principle 1: Tell the story of the project so that the reader can easily understand the purpose and need for the project, how each alternative would meet the project goals, and the strengths and weaknesses associated with each alternative.

• Principle 2: Keep the document brief, using clear, concise writing; an easy-to-use format; effective graphics and visual elements; and discussion of issues and impacts in proportion to their significance.

• Principle 3: Ensure that the document meets all legal requirements in a way that is easy to follow for regulators and technical reviewers.
Content and process

• Endorses the blueprint
• Improved organization of NEPA documents
• Tips for improving the production process
• Advanced and specialized techniques
Recommended Process

• Designate “document team” early – PM, technical experts, production staff

• Appoint an “Editor-in-chief” - Early
  – Manages the document – roles, schedules, quality
  – Decide up front on format
  – Storyboard the content
  – Single voice - communicates well
  – Quality Control
Recommended Process

Quality Control – Do not skimp or skip!

• Assure technical validity
• Meet legal sufficiency
• Provide editorial quality
• Ensure overall effectiveness – the story is told well & messages come through
• Eliminate typos, misspellings, etc.
Agenda

• **Introduction/Overview**- Tim Hill

• **How did we get here?**- Tim Hill, Hal Kassoff, and Carol Lee Roalkvam

• **Is this Legal?**- Lamar Smith

• **What is a Quality Document?**- Carol Lee Roalkvam and Hal Kassoff

• **Where do we go from here?**- Lamar Smith

• **Wrap up**- Q/A- Tim Hill
Task Force Concludes:

- **Current Practice Reflects Neither CEQ Nor FHWA Guidance**
- **We Need a New Blueprint For NEPA Documents**
- **NCHRP 25-25(01) Offers Good Option**
Chapter 3: Presents The "Blueprint"
Blueprint Components
(Adopted from NCHRP 25-25 (01))

- Document Summary
- Main Body
- Appendices & Technical Reports
Blueprint Components

(All 3 are part of the environmental document)
Blueprint Components

(Flexible starting point – not a prescription)
Blueprint Components

1) Document Summary
Document Summary

- Part of the environmental document
- May be only part that many read
- Synopsis of main body
- Cover all key issues
- Can stand alone
- Tells the story
Blueprint Components

2) Main Body

- Document Summary
- Main Body
- Appendices & Technical Reports
Main Body

A Logical Sequence

• Purpose and need
• Alternatives – Development & Initial Screening
• Environmental resources affected: avoidance, minimization, impacts, & mitigation
• Public comments and agency coordination
• Section 4(f) chapter?
  - include in main body or appendix
  - decide which is most appropriate
• Comparison and selection of alternatives
  – Evaluating, reasoning, deciding, explaining
Main Body
Differs in Two Key Ways

• Combines Affected Environment and Environmental Consequences
  – *Integrated Picture*

• Divides Alternatives Chapter into:
  – *Development & Initial Screening*
  – *Evaluation & Selection*
### Main Body of EIS

<table>
<thead>
<tr>
<th>Current Approach</th>
<th>New Blueprint</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Purpose &amp; Need</strong></td>
<td><strong>Purpose &amp; Need</strong></td>
</tr>
<tr>
<td><strong>Alternatives</strong></td>
<td><strong>Alternatives Considered</strong></td>
</tr>
<tr>
<td><strong>Affected Environment</strong></td>
<td><strong>Environmental Resources, Impacts, and Mitigation</strong></td>
</tr>
<tr>
<td><strong>Environmental Consequences</strong></td>
<td><strong>Public Comments and Agency Coordination</strong></td>
</tr>
<tr>
<td>(Section 4f)</td>
<td><strong>Section 4(f) Chapter</strong>*</td>
</tr>
<tr>
<td><strong>Comments Coordination &amp; Public Involvement</strong></td>
<td><strong>Comparison and Selection of Alternatives</strong></td>
</tr>
</tbody>
</table>

* *Include 4(f) in main body if issues are significant*
Blueprint Components

3) Appendices & Technical Reports
Appendices and Technical Reports

- Best Opportunity to de-clutter Main Body
- Data in support of information and analyses in Main Body
- Place for voluminous material providing context & relevant reference material
New Blueprint = Improved Quality?

Benefits can be significant:

– Improve communication 360 degrees
– Greater thought & planning - better engagement of issues
– Building trust & confidence - - possibly support
– Possibly save time & money
  • Less data management
  • Cost of NEPA – less rework
  • Cost of project – less delay
– Offers greater professional growth & satisfaction

BUT

• Will require major efforts to change from established “production line” practices to more tailored approach
Blueprint Components
(Cannot be NEPA “Light” – Must Meet Legal Sufficiency)
Agenda

• Introduction/Overview- Tim Hill
• How did we get here?- Tim Hill, Hal Kassoff, and Carol Lee Roalkvam
• Is this Legal?- Lamar Smith
• What is a Quality Document?- Carol Lee Roalkvam and Hal Kassoff
  • Where do we go from here?- Lamar Smith
• Wrap up- Q/A- Tim Hill
Where Do We Go From Here?

Lamar S. Smith, CEP
FHWA
**FHWA Position**

- “FHWA subscribes to the philosophy that the goal of the NEPA process is better decisions and not more documentation.”
- Supports findings and recommendations in the report, *Improving the Quality of Environmental Documents*
- Recommended approach is consistent with TA
- Focus on substance rather than format or organization of the NEPA document
- Encourage improvements in the effectiveness of NEPA documents
Legal Sufficiency

- Final EISs (and final Section 4(f) evaluations) are reviewed for legal sufficiency
- FHWA is responsible as the lead Federal Agency
- NEPA process (and other substantive requirements) and documents are defensible
- Recognition that there is a degree of litigation risk with every EIS
  - degree and type of controversy, objection, sensitivity of resources, what and where the project is …
- Where risk is relatively small, base line level of legal sufficiency is expected
Legal Sufficiency

- Project and document developed properly
- Answers substantive questions that reasonably could be asked
- Provides evidence of compliance with substantive requirements
- Adequate and reasonable discussion of
  - purpose and need
  - alternatives development and analysis (including logical termini and independent utility)
  - scope of analysis and boundaries
  - compliance with procedural and substantive requirements
  - interagency coordination, public involvement
- Evidence of hard look and reasoned decisionmaking
Preparing Legally Sufficient Documents

- Know when to seek legal advice and/or involve an attorney
- Know and look for the warning signs
- Consider earlier attorney review
- The right time to involve legal counsel will vary and depend on the situation …
  … Scoping for some projects, later for others but always at key stages in the project development process
Considering Something Like …

- Cover Sheet
- Summary
- Table of Contents
- The essence of Purpose of and Need for Action, Alternatives, Affected Environment, Environmental Consequences
- List of Preparers
- List of Agencies, Organizations and Persons to Whom Copies of the Statement are Sent
- Index
- Appendices
A Good Place To Start

Document Summary

Main Body

Appendices & Technical Reports
Performance Measures

- Can the public read it and make sense of it?
- Are participating agencies in agreement?
- Will cooperating agencies be able to use it?
- Does it address the umbrella issues?
- Will it be useful and effective?
- Is the record legally sufficient?
Go With This …

Ultimately, of course, it is not better documents but better decisions that count. NEPA's purpose is not to generate paperwork--even excellent paperwork--but to foster excellent action. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment.
Our Presenters

- Tim Hill, Administrator, Ohio Department of Transportation - Tim.Hill@dot.state.oh.us
- Hal Kassoff, Highway Market Leader, Parsons Brinckerhoff - Kassoff@pbworld.com
- Carol Lee Roalkvam, Washington State DOT - RoalkvC@WSDOT.WA.GOV
- Lamar Smith, CEP Team Leader, Federal Highway Administration - Lamar.Smith@dot.gov