

FRA

RAIL

PROGRAM DELIVERY WORKSHOP

JULY 2024 | WASHINGTON, DC

**Understanding NEPA
and Other Federal
Environmental
Review Requirements**

Panelists



Deborah Suci Smith
Supervisory
Environmental
Protection Specialist,
Environmental Review
Division



Laura Shick
Supervisory
Environmental
Protection Specialist,
Environmental
Review Division



Austen Balthazar
Environmental
Protection Specialist,
Environmental Review
Division



Scott Williams
Cultural Resources
Division Chief/Federal
Preservation Officer

Agenda

- Overview of NEPA
- The NEPA “Umbrella”
- FRA’s Office of Environmental Program Management
- Frequently Asked Environmental Questions

National Environmental Policy Act (NEPA)

- “declare a **national policy** which will encourage productive and enjoyable harmony between man and his environment”
-

- **Establish framework for informed decision-making when federal nexus**
- **Weigh/balance**
 - Safe/efficient transportation
 - Impacts to the human and natural environment



NEPA Implementing Regulations (FRA/FHWA/FTA)

23 CFR 771.105 Policy

- Coordinate **all** environmental investigations, reviews, and consultations as a single process
- Programmatic approaches for compliance with environmental regulations
- Alternative courses of action to be evaluated and decisions made in best overall public interest – balance considerations
- Public involvement and systematic interdisciplinary approach
- Mitigation of adverse effects to be incorporated into project
- Costs incurred for preparation of environmental documents eligible for federal assistance
- No person...be excluded from participating in or denied benefits of or subject to discrimination under any program or procedural activity

The “NEPA Umbrella”

- **Endangered Species Act**
- **Title VI of Civil Rights Act of 1964**
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
- Americans with Disabilities Act
- **Executive Orders 12898 & 14096** (Environmental Justice)
- **Section 4(f)** (USDOT Act of 1966)
- **Clean Air Act**
- **Clean Water Act 404** (permitting)
- Executive Order 11988 (Floodplain Management)
- Executive Order 11990 (Protection of Wetlands)
- Farmland Protection Policy Act
- **National Historic Preservation Act** (Section 106)
- Rivers and Harbors Act (permitting)



- Public Involvement
- Archaeological and Historic Preservation Act
- Archaeological Resources Protection Act
- Coastal Zone Management Act
- Noise and Vibration
- Magnuson-Stevens Fishery Conservation and Management Act

FRA's Office of Environmental Program Management

- **Oversees** implementation of—and compliance with—environmental laws/regulations,
- **Advises** on environmental policy, and
- **Ensures integration** of project development within environmental compliance.

Environmental Coordination and Strategy

Principal **advisory group** and provides senior-level technical assistance, strategy, and support for the office director and office staff.

Environmental Policy

Oversees the **development and implementation** of environmental policy and guidance including:

- Human and natural environment policy
- NEPA policy, both internally and with rail stakeholders
- Realty and real estate matters

Environmental Review

Ensures **compliance** with NEPA and other applicable environmental laws and regulations for FRA projects.

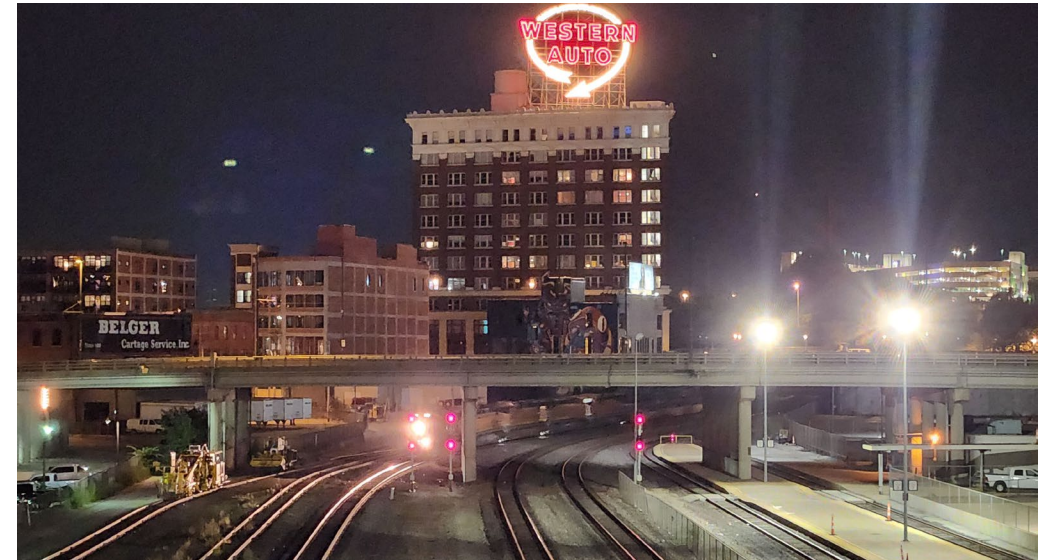
Cultural Resources Review

Oversees **integration** of and compliance with **Section 106 regulations**, and policies into FRA projects and programs.

FRA's Office of Environmental Program Management

Environmental and Cultural Resources Compliance is a Requirement

- FRA's Office of Environmental Program Management is responsible for **the environmental and cultural resources review and compliance processes** for projects that receive FRA funding or other approval.
- Compliance with environmental and cultural resources laws is a ***regulatorily required component of project development and delivery*** and a key step in the grant lifecycle.
- Magnitude of environmental and cultural resource studies varies by project type, location, and the natural, cultural, and community resources present.



Environmental Review Considerations

- Impacts to:
 - Undisturbed areas both inside and outside of existing rail ROW
 - Waters/wetlands
 - Protected species and/or their habitat
 - Environmental Justice (EJ) Communities/Justice 40 Communities/Public Involvement/Nearby Sensitive Land Uses
 - Historic properties (built environment, archaeological, tribal)
 - Publicly owned parks, recreation areas, and wildlife refuges

Plan Ahead: Projects impacting environmental and/or cultural resources REQUIRE more time and effort from grantee and more FRA technical oversight.



Frequently Asked Environmental Questions

Useful References

- <https://nepassistool.epa.gov/nepassist/nepamap.aspx>
- <https://www.epa.gov/nepa/nepassist>
- https://ceq.doe.gov/get-involved/citizens_guide_to_nepa.html
- <https://railroads.dot.gov/rail-network-development/environment/environment>
- <https://www.permits.performance.gov>

Contact:
FRAEnvironment@dot.gov



Follow FRA on [LinkedIn](#)
for more updates!

FRA

RAIL

PROGRAM DELIVERY WORKSHOP

JULY 2024 | WASHINGTON, DC