



Vision and Values Workshop
Saturday, January 23, 2016
9 a.m. - Noon
125 Gallian Street
Lafayette, LA 70501

State Project No. H.004273.5
Federal Aid Project No. H004273
I-49 Lafayette Connector
(Lafayette Regional Airport to
I-10/I-49/U.S. 167 Interchange)

Community Vision and Values Workshop – Environmental Handout

On the project website, lafayetteconnector.com, there is a document that presents An Overview of the National Environmental Policy Act (NEPA) can be found on the project website, www.lafayetteconnector.com. The document contains excerpts from the Federal Highway Administration (FHWA) guidance regarding:

- NEPA, as found online in the FHWA Environmental Toolkit,
- Other Environmental Investigations, Reviews, and Consultations and
- FHWA guidance relative to the Re-evaluation of NEPA documents.

This document provides a list of the links to US Government websites (also found in the Overview) that provides details on each element of the NEPA process and the other investigations, reviews and consultations, as well as a copy of the section describing the Re-evaluation of NEPA documents for FHWA projects.

NEPA Website

The FHWA Environmental Toolkit addresses the elements of the transportation decision-making process using technical terms. It can be found at <https://www.environment.fhwa.dot.gov/index.asp>. On that site, each section also provides links to other sites with additional guidance.

Another site presents similar information utilizing videos designed for local governments and their constituents:
<http://www.fhwa.dot.gov/federal-aidessentials/index.cfm>

Websites for Other Required Environmental Investigations, Reviews, and Consultations

Other requirements that apply to the I-49 Connector Concept as defined in the Record of Decision (ROD) include the following, with the appropriate websites noted:

Section 4(f) of the USDOT Act

Section 4(f) of the Department of Transportation Act (USDOT Act) stipulates that FHWA and other DOT agencies cannot approve the use of land from the following land uses:

- Publicly-owned parks, recreational areas, wildlife and waterfowl refuges, or
 - Public and private historical sites
unless:
 - There is no feasible and prudent avoidance alternative to the use of land; and
 - The action includes all possible planning to minimize harm to the property resulting from the use;
- or
- The Administration determines that the use of the property will have a de minimis impact.

Additional information can be found at <https://www.environment.fhwa.dot.gov/4f/index.asp>.

Section 106 of the National Historic Preservation Act

During the preparation of the Environmental Impact Statement (EIS) for the I-49 Connector and release of the ROD, Section 106 Consultation produced a Memorandum of Agreement (MOA) that defines the mitigation for the Sterling Grove Historic District, the plan for archaeological investigations, and the monitoring of the terms of the MOA. In consideration of the expiration of the MOA in July 2017, the nomination of Freetown-Port Rico to the National Register of Historic Places (NRHP), and the outcome of the Standing Structures survey, Section 106 Consultation will be renewed after the Standing Structures Survey is completed.

Additional information can be found on the following websites:

http://www.achp.gov/docs/NEPA_NHPA_Section_106_Handbook_Mar2013.pdf

<http://www.achp.gov> and http://www.nps.gov/hps/fapa_110.htm

Section 404 of the Clean Water Act

Section 404 regulates the discharge of dredged or fill material into navigable waters, which are defined by the Clean Water Act to include wetlands. Under Section 404, no discharge should occur if a practicable alternative exists or if it will result in significant harm. The I-49 Connector may result in the discharge of dredged or fill material in wetlands based on the Selected Alternative due to the proposed extension of a runway at Lafayette Regional Airport.

Additional information can be found on the following websites:

<http://www.epa.gov/cwa-404/section-404-permit-program>

<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx>

Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 states Federal agencies shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its actions on minority populations and low-income populations.

Additional information can be found at the following website:

http://www.fhwa.dot.gov/environment/environmental_justice/overview/

Section 6(f) of the Land and Water Conservation Act

Section 6(f) of the Land and Water Conservation Act in Section 6(f)(3) requires that the conversion of lands or facilities acquired with Land and Water Conservation Act funds be coordinated with the Department of Interior. Usually, replacement in kind is required. When the ROD was issued for the I-49 Connector, no conversion was foreseen.

Additional information can be found at the following website:

<http://www.nps.gov/ncrc/programs/lwcf/protect.html>

Guidance for the Re-evaluation of an EIS

Re-evaluations are required by the FHWA regulations, but are not required under the NEPA or Council on Environmental Quality (CEQ) Regulations. They have been upheld in court as an appropriate mechanism for determining whether or not a Supplemental EIS is necessary. Before requesting FHWA approval for final design, right-of-way (ROW) acquisition or construction activities, the project sponsor (in this case DOTD) must consult with the FHWA to determine whether the original NEPA decision remains valid.

Considerations of validity include, but are not limited to:

- Changes in the project scope, laws and regulations, project area conditions, and local, state or national priorities; and
- The amount of time a NEPA decision has been complete.

Re-evaluations should be thought of as a continuation of the NEPA project development process and are necessary at certain key points in the overall process to establish whether or not the NEPA document (EIS) and final project decision (ROD) remain valid for the subsequent federal action. The finding or conclusion of a Re-evaluation is that the NEPA document and decision are valid or that additional analysis is required. This provides evidence to the FHWA in determining whether the preparation of a supplemental EIS is necessary.

Additional information can be found at the following website:

<https://www.fhwa.dot.gov/resourcecenter/teams/environment/vol5iss2.pdf>