

CHAPTER 5. PREPARATION OF DRAFT ENVIRONMENTAL IMPACT STATEMENTS
OR FINDINGS OF NO SIGNIFICANT IMPACT

48. TIMING OF DRAFT STATEMENT PREPARATION. DEISs and FONSIs shall be prepared at the earliest practical time prior to the first significant decision point in the program or project development process.

49. APPLICATIONS. The program officer may require each applicant for a grant, loan, permit, or other approval to which this order applies, to submit, with the original application, an environmental assessment. Regardless of the nature of participation, responsible officials or program officers must furnish guidance, actively participate in preparing the DEIS, EIS, and FONSI, and make their own evaluation prior to approval. The responsible official shall take responsibility for the scope and content of an EIS or FONSI. The responsible official shall appropriately limit the actions an applicant may take prior to completion and approval of EISs and subsequent approval of the application. (CEQ sec. 1506.1)

50. NOTICE OF INTENT TO PREPARE AN EIS.

a. The first step is described in CEQ sec. 1501.7 as follows: "As soon as practicable after its decision to prepare an environmental impact statement and before the scoping process the lead agency shall publish a notice of intent (CEQ sec. 1508.22) in the FEDERAL REGISTER ..." This procedure is accomplished by the responsible official sending the notice of intent through AGC-204 with a copy to AEE-1.

b. The notice of intent in CEQ sec. 1508.22 "...means a notice that an environmental impact statement will be prepared and considered." The notice shall briefly:

"(1) Describe the proposed action and possible alternatives."

"(2) Describe the agency's proposed scoping process including whether, when, and where any scoping meeting will be held."

"(3) State the name and address of a person within the agency who can answer questions about the proposed action and the environmental impact statement."

c. Delay. If for some reason there is a lengthy period between the time a decision is made to prepare an environmental impact statement and the actual preparation, CEQ sec. 1507.3(e) provides that "... the notice of intent ... may be published at a reasonable time in advance of preparation of the draft statement."

51. SCOPING.

a. Scoping is an important and early integral part of the EIS process. (See CEQ sec. 1501.7). This section provides that "There shall be an early and open process for determining the scope of issues to be

addressed and for identifying the significant issues related to a proposed action." The responsible official must take the lead in the scoping process, including issuance of the notice of intent, inviting the participation of other agencies, determining the issues to be analyzed in depth, and assigning responsibilities for inputs to the environmental impact statement. Scoping, however, is not required if it has been determined that an EIS is not required.

b. CEQ sec. 1501.7(b)(4) states that an agency may "hold an early scoping meeting or meetings, which may be integrated with any other early planning meetings the agency has. Such a scoping meeting will often be appropriate when the impacts of a particular action are confined to specific sites." However, there is no requirement for a scoping meeting, per se, on every project requiring an environmental impact statement. Depending on the nature and complexity of the project, some of all of the information needed during the scoping process may be obtained by letter or telephone.

c. CEQ sec. 1501.7 further provides that the lead agency shall "Determine the scope (CEQ sec. 1508.25) and the significant issues to be analyzed in depth in the environmental impact statement." Scope as defined in CEQ sec. 1508.25 "... consists of the range of actions, alternatives, and impacts to be considered ..." To determine the range of actions, the problems as described in the environmental assessment should be carefully reviewed. The proposed action and any action functionally related to it should be clearly understood. Alternatives should be reviewed in this context, identifying those which need to be rigorously explored and objectively evaluated as well as those which can be eliminated (CEQ sec. 1502.14(a)). Those impact categories which fall below the threshold of significant in the environmental assessment normally do not need further study or description in the environmental impact statement. Establishing a clear definition of the Federal action, the alternatives, and the impact needing detailed study (as well as those which do not) early in the scoping process should help considerably in managing the environmental impact statement preparation process.

52. USE OF CONTRACTORS IN PREPARATION OF AN EIS.

a. CEQ Sec. 1506.5(c) provides that "any environmental impact statement prepared pursuant to the requirements of NEPA shall be prepared directly by or by a contractor selected by the lead agency or where appropriate under CEQ sec. 1501.6(b), a cooperating agency."

b. Contractor Preparation. Where a contractor prepares an environmental impact statement, CEQ sec. 1506.5(c) requires that "Contractors shall execute a disclosure statement prepared by the lead agency, or where appropriate the cooperating agency (for its portion), specifying that they have no financial or other interest in the outcome of the project." Furthermore, "... the responsible Federal official shall furnish guidance and participate in the preparation and shall independently evaluate the statement prior to its approval and take responsibility for its scope and contents."

53. INCORPORATION BY REFERENCE. CEQ sec. 1502.21 states that: "Agencies shall incorporate material into an environmental impact statement by reference when the effect will be to cut down on bulk without impeding agency and public review of the action. The incorporated material shall be cited in the statement and its content briefly described. No material may be incorporated by reference unless it is reasonably available for inspection by potentially interested persons within the time allowed for comment. Material based on proprietary data which is itself not available for review and comment shall not be incorporated by reference."

54. INCLUSION OF ENVIRONMENTAL DETERMINATIONS. EIS or FONSI shall include relevant documentation for environmental determinations under Section 4(f) of the DOT Act and other environmental findings and determinations."

55. INTERDISCIPLINARY APPROACH. CEQ sec. 102(2)(A) of NEPA requires each Federal agency to apply a systematic, interdisciplinary approach in planning and decisionmaking which may impact the environment. (See CEQ sec. 1502.6.) To assure that all environmental impacts are identified and assessed, all relevant disciplines should be represented. If the office or service does not contain the necessary disciplines, use of professional services available in other Federal, State, or local agencies, universities, or consulting firms is appropriate. (See paragraph 50 of this order). A listing of the preparers and their qualifications is required under paragraph 68 of this order and CEQ sec. 1502.10 and 1502.17.

56. INTERNAL REVIEW PROCESS.

a. Draft EISs and FONSI shall be reviewed by affected FAA program divisions and staff officers at the regional or office level prior to filing for public review. DOT Act Section 4(f) determinations are subject to review as stated in Attachment 2 of this order. This internal review is to assure that related foreseeable agency actions by other FAA elements are properly covered in the statement or finding and are coordinated with the appropriate action office so that commitments which are the responsibility of other divisions or offices will be carried out.

b. Regional Directors are responsible for designating a lead division or office to carry out this internal review.

57. REGULATIONS. For regulations or rulemaking, the DEIS or FONSI shall be available to reviewing agencies and the public prior to or concurrently with the notice of proposed rulemaking.

58. LEGISLATIVE PROPOSALS.

a. Before the FAA submits to the Congress a legislative proposal, the office which originates the legislation shall prepare, circulate, and file with EPA an environmental impact statement or prepare a FONSI. (See paragraph 74 on circulation in this order).

b. The Office of the Secretary shall review legislative environmental statements and submit them to the Office of Management and Budget (OMB) for circulation in the normal legislative clearance process.

59. RESERVED.