

EXECUTIVE ORDER 13274

INDIRECT AND CUMULATIVE IMPACTS WORK GROUP

March 2005

The National Environmental Policy Act (NEPA) process is designed to ensure that reasonably foreseeable direct, indirect and cumulative environmental effects of a proposed action receive appropriate consideration in Federal agencies' decisions regarding those actions that significantly affect the quality of the human environment. Other statutes require Federal agencies to consider indirect and cumulative effects of transportation improvement projects, including the Clean Water Act (CWA) Section 404 (b)(1) guidelines, the regulations implementing the conformity provisions of the Clean Air Act (CAA), the regulations implementing Section 106 of the National Historic Preservation Act (NHPA), and the regulations implementing Section 7 of the Endangered Species Act (ESA), among others.

The Task Force recognized the importance of indirect and cumulative impacts as a potential source of uncertainties, interagency conflict and possible delay in the environmental review process.

Uncertainties and conflict often relate to several issues:

- Appropriate scope of analysis in terms of time and geographic area;
- Appropriate methodologies and level of detail;
- Reasonableness or practicality of obtaining information that is not readily available; and
- Appropriate role of the transportation agency with regard to mitigation.

Therefore, the Task Force established an interagency Work Group on Indirect and Cumulative Impacts to evaluate this topic and to identify opportunities where greater interagency coordination and collaboration could lead to improvements in the decision-making process for transportation projects.

The Indirect and Cumulative Impacts Work Group's draft recommendations call for a number of actions be undertaken to assist in streamlining the process of analyzing indirect and

cumulative impacts from transportation projects. These actions include:

- Clarification of specific mitigation requirements of individual program authorities (NEPA, DOT Act Section 4(f), CWA Section 404, NHPA Section 106, ESA, MSA, etc.) related to indirect and cumulative impacts. This activity should also identify opportunities to implement watershed or landscape-level approaches and other opportunities for the mitigation of adverse impacts.
- Data collection and information sharing on existing guidance and methodologies.
- Development of a coordination model for transportation projects involving indirect and cumulative impact issues that span applicable statutory requirements.

Based on the findings described in the draft Baseline Report, the following table identifies 10 recommended next steps for Task Force review, grouped into three categories that will help improve the processes related to indirect and cumulative impacts analyses.

You can read the draft Indirect and Cumulative Impacts Baseline Report online at:
<http://www.fhwa.dot.gov/stewardshipeol/index.htm>.

E-mail comments to:
projectstreamlining@ost.dot.gov.

RECOMMENDED NEXT STEPS FOR IMPROVING INDIRECT AND CUMULATIVE IMPACTS ANALYSES

| Recommended Next Step | Description |
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| <h2>1. Outreach and Information Sharing</h2> | |
| <p>Distribute and Raise Awareness of Baseline Materials</p> | <p>The baseline products will be useful to practitioners in advancing the state of practice, including: the summary of legal requirements; the summary of case law; the annotated bibliography of guidance documents; the compilation of relevant training programs; and the case studies of notable practices.</p> <p>The Work Group recommends that the Task Force authorize public outreach to make these materials available to staff in State transportation agencies, metropolitan planning organizations and Federal agencies involved in the review of environmental documents. Outreach could include:</p> <ol style="list-style-type: none"> 1. Posting to the Web site of the EO 13274 Task Force. 2. Making these materials available through individual Federal agency Web sites that address NEPA-related issues, such as the Re:NEPA exchange managed by Federal Highway Administration. 3. Outreach to organizations such as AASHTO. 4. Holding a teleconference, netconference or workshop(s) in individual regions to make staff at the Federal, State and local levels more aware of these resources and on-going efforts of the Task Force to tackle these issues. |
| <p>Implement a Coordinated Communication Effort from FHWA, FTA and FAA Headquarters to Field Offices</p> | <p>A coordinated communication effort would help provide clear direction and consistency. Because the state of practice is at such as transition stage, ranging from very limited analyses to more comprehensive evaluations, the Federal transportation agency staff can play a key role in helping to ensure that State DOTs, transit agencies and other project sponsors meet a minimum standard for analysis. Through their own review of environmental documents, the Federal agencies can help to ensure that documents are sufficient.</p> |

RECOMMENDED NEXT STEPS FOR IMPROVING INDIRECT AND CUMULATIVE IMPACTS ANALYSES

| Recommended Next Step | Description |
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| Recognize Exemplary Practices | The Federal agencies (i.e., FHWA, FTA, FAA, CEQ, or others) should provide recognition for exemplary efforts in regard to analysis, documentation and mitigation for indirect and cumulative impacts, either by incorporating these into existing recognition efforts (e.g., FHWA's Environmental Excellence Awards), or development of a new program to make exemplary work available as a training tool. |
| 2. Practitioner-Oriented Guidance and Training | |
| Develop a Compilation of Best Practice Case Studies | A compilation of detailed case studies would be helpful to better communicate best practices and effective procedures. The case studies should address not only highway projects, but also airport and transit projects, and be organized in a way that the case studies can be used for discussion in training programs at the national and State levels. These case studies could be drafted by fully developing and building on the case studies presented in this report. |
| Develop More Detailed National-Level Guidance for Transportation Projects | More detailed national-level guidance should be developed and should include delineation of steps for conducting and documenting the analysis. Although the CEQ guidance on cumulative impacts and FHWA interim guidance are available, transportation practitioners generally felt that these guidance documents are somewhat abstract, and that there is a need for more specific and practical guidance that pertains to transportation projects. Several State DOTs have developed their own guidance documents on indirect and cumulative impacts, and these could serve as models for the level of detail desired. The guidance ideally should map out specific steps in the analysis, samples of available tools, and provide checklists so that project sponsors and their consultants are sure to have considered important issues and documented steps taken. |

| Recommended Next Step | Description |
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| Develop and Implement Workshops for Federal Agency Field Staff, Project Sponsors and Consultants | Much of the existing national-level training involves multi-day courses that focus on cumulative impacts. These courses may not be accessible to a wide audience and often do not address the indirect impact issues that are related to transportation. Development of a series of short workshops focused on indirect and cumulative impacts analysis for transportation projects would be helpful to: 1) raise awareness of basic concepts and emphasize the importance in streamlining the environmental review process and avoiding lawsuits over projects; and 2) supplement the existing training programs and encourage greater participation in those programs. |
| 3. Development of New Approaches for Consensus Building | |
| Develop a Coordination Model for Indirect and Cumulative Impacts Analysis | Federal agencies and project sponsors need guidance and information resources to better coordinate in order to avoid misunderstandings and conflicts that can lead to delays in project development. This effort likely would focus on the scoping process and include information on coordination throughout the project development process. This coordination model for transportation projects involving indirect and cumulative impact issues that span applicable statutory requirements would help to focus consultation and agreement on determining appropriate boundaries of analysis, level of detail, addressing situations where data are limited and when mitigation is required. |
| Develop Approaches for Integrating Indirect and Cumulative Impacts Analysis into Planning Processes | Integration of indirect and cumulative impacts into planning processes could help to improve decision making and facilitate better analyses of cumulative impacts. Program support is needed to address these issues as the planning stage, and link that with project development. This activity should be coordinated with the Integrated Planning Work Group. |
| Identify Methods to Address Indirect and Cumulative Impacts in Tiered Environmental Documents | Approaches for addressing indirect and cumulative impacts more effectively in tiered environmental documents should be promoted. |
| Facilitate Interagency Agreements that Focus on Mitigation | Interagency consensus at the headquarters and field levels should be facilitated with additional attention focused on the appropriateness of mitigation, given different circumstances surrounding indirect and cumulative impacts. |