CHAPTER 5

ENVIRONMENTAL PROCESS

A. INTRODUCTION

This chapter of the handbook has been prepared to provide guidance for compliance with federal and state environmental laws and regulations. Following the procedures described herein will provide uniformity and consistency in the project development process.

Three distinct approvals or concurrences are necessary to complete the environmental certifications for every project. These include:

- General environmental approval pursuant to the National Environmental Policy Act (NEPA)
- Cultural Resources concurrence for archaeological and historic resources pursuant to the National Historic Preservation Act (NHPA)
- Hazardous Materials approvals pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

The T/LGA is responsible for obtaining all of the environmental approvals or concurrences necessary to fulfill the certification requirements. For guidance on the NEPA requirements, see subsection D of this chapter. For guidance on the Cultural Resource requirements, see subsection E of this chapter. For guidance on the Hazardous Materials requirements, see subsection F of this chapter.

The NMDOT Assistant Regional Division Managers and the Environmental Design Bureau Managers will assist the T/LGAs early in the project development process to determine the environmental level of effort. Environmental investigations should be conducted by an interdisciplinary team including, as necessary, qualified environmental, cultural and natural resource specialists, and hazardous materials specialists. A T/LGA may use any departments or subdivisions under its jurisdiction as resources in applicable areas of expertise.

T/LGAs that do not have staff qualified to carry out the required activities are encouraged to hire qualified consultants to perform them. For both federally and state funded projects, T/LGA consultant selection procedures must be in accordance with federal regulations and the State Procurement Code. If the T/LGA is a Home Rule City, its own procurement code must be followed. When using federal funds, Tribal agencies must follow appropriate federal regulations.

At the end of this chapter is a list of applicable laws, regulations and guidance information. This handbook and the documents in the list are a good starting point for the development or updating of environmentally responsive project development procedures.

B. LOCATION / DESIGN APPROVAL

Authorization to proceed with final project design will not be granted until all environmental approvals or concurrences have been obtained by the T/LGA. All projects with federal funding require authorization by the Federal Highway Administration (FHWA).

Large or complex projects should follow a multiphase process to evaluate alternatives and ensure ongoing, cooperative public and agency input in the project development process. The alternatives analysis process typically involves three phases. Each phase is intended to evaluate alternatives at the appropriate level of detail. In some instances, when the number of alternatives is limited, Phase A – Initial Evaluation of Alternatives and Phase B – Detailed Evaluation of Alternatives might be combined. Phase C is Environmental Documentation and Processing. More detail regarding conducting corridor and alignment studies can be found in the Location Study Procedures Guidebook (August 2000) or http://www.nmshtd.state.nm.us/main.asp?secid=11182.

C. BACKGROUND AND LEGISLATION

All transportation related projects utilizing federal funds in any phase of the project must obtain environmental approval by FHWA. In addition, the following state funded projects require environmental approval by the Department: Severance Tax bond (ST) projects; General Fund (GA) projects; 100% State Road Fund (SP) projects and GRIP 2 projects. All projects, regardless of funding source and approval authority, are required to follow all appropriate environmental laws and regulations.
State and federal-aid funded projects that involve Federal lands also require compliance with applicable laws and regulations of the land management agency. Projects on US Forest Service, Bureau of Land Management, National Park Service, or Tribal property must meet the appropriate land managing agencies' requirements.

The Administrative Record documents the purpose and need, the alternative analysis, environmental impacts associated with alternatives, public issues and concerns, agency coordination, and mitigation commitments. The Administrative Record consists of all the files, surveys, investigations, considerations, meetings, agency contacts, and other planning and project development activities.

A synopsis of the most important controlling legislation and regulatory and guidance documents is presented below. At the end of this chapter is a list of ALL applicable laws, regulations and guidance information.

The National Environmental Policy Act of 1969 (NEPA) established a framework for systematically evaluating federal actions. It requires an open, interdisciplinary approach to planning and project implementation. NEPA requires that the environmental impacts of all federal-aid projects be given consideration in the decision making process.

The Council on Environmental Quality (CEQ) has published criteria for environmental consideration under NEPA. This guidance has the force of regulation and is codified in 40 CFR Parts 1500-1508. The CEQ has also issued several guidance publications on NEPA and its regulations.

The FHWA has adopted the CEQ regulations and issued their interpretation in 23 CFR Part 771--ENVIRONMENTAL IMPACTS AND RELATED PROCEDURES.

The FHWA has also issued Technical Advisory T 6640.8A "Guidance for Preparing and Processing Environmental and Section 4(f) Documents". This advisory serves to clarify the implementation of NEPA, CEQ regulations and 23 CFR Part 771.

Another important legislative action is the Department of Transportation Act of 1966 (DOT) which contains the requirements for Section 4(f) Evaluations. A Section 4(f) Evaluation may be required for FHWA authorization on projects that impact publicly owned parks, recreation areas, wildlife refuges or significant historic sites.

The Clean Water Act of 1970 (CWA) requires permits for the placement of fill or dredged material, and other activities, in the waters of the United States. A Section 404 permit, pursuant to the Section 404 (b)(1) Guidelines, may be required from the US Army Corps of Engineers (USCOE). Section 401 Water Quality Certification will be required from the New Mexico Environment Department for work in live streams.

The National Historic Preservation Act of 1966 (NHPA) as amended, is the primary federal legislation that governs the management of historic and archaeological properties in the United States. Section 106 of the Act requires federal agencies to consider the effects of undertakings they sponsor or authorize on historic properties. The implementing regulations are detailed in 36 CFR Part 800.

The NHPA regulations require federal agencies to identify historic properties within the project area of effect and to assess the effect of the project on properties on or eligible to be on the National Register of Historic Places. The FHWA must also provide the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officers (THPOs), and, if necessary, the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on the undertaking.

In addition to the Federal laws, there are two state laws that may apply to proposed undertakings. They are the Cultural Properties Act (CPA) and the New Mexico Prehistoric and Historic Sites Preservation Act (NMPHSPA). The state CPA is similar to the Federal NHPA. The NMPHSPA requirements are similar to the Federal Section 4(f) Evaluation.

The EPA has established federal standards and practices for conducting “all appropriate inquiries” as required under sections 101(35)(B)(ii) and (iii) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The American Society for Testing and Materials (ASTM) has published, and the Department has adopted, Practice E 1527-05 as the standard by which all hazardous material initial site assessments (ISAs) must conform.

ASTM Standard E 1903-97 provides practical procedural guidance for the continuance of an assessment performed in accordance with the most recent version of ASTM E 1527. It provides the framework on which preliminary and detailed site investigations are based.

D. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) REQUIREMENTS

I. Proposed Action and Level of Effort

It is important to develop logical and methodical procedures for addressing social, economic and environmental factors in planning and project development. Compliance with the National Environmental Policy Act of 1969 (NEPA) requires implementation of an open, collaborative decision process and documentation of that process. Timely and thorough consideration of the social, economic, and environmental factors during project development and proper environmental documentation leads to better decisions and an accurate, complete Administrative Record.

Environmental documentation consistent with applicable laws and regulations is required on all proposed projects. It is often difficult to determine the level of effort for environmental requirements on a project. The T/LGA is encouraged to meet with the Assistant Regional Division Manager and the Environmental Design Bureau for assistance in this area. The environmental document will provide design concept, location approval, and support project authorization. Any changes in project scope after the completion of the environmental process may necessitate a new or revised document.

The proposed action must meet the definition of a "transportation project." A transportation project is an undertaking to implement or modify a highway facility or highway-related program. Such an undertaking consists of all required activities necessary for implementation under the provisions of 23 CFR and related regulations. For analytical purposes, the highway project must:

- Connect logical termini and be of sufficient length to address environmental matters on a broad scope;
- Have independent utility or significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and
- Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.
- The proposed action must also have a clearly stated purpose and need. The need may be to provide system continuity, increase roadway capacity, correct roadway deficiencies, improve safety, respond to legislative mandate, or support economic development, inter-modal relationships, or enhancement projects.
- The project lead, or its consultant, must identify and evaluate all project implementation activities and impacts. The evaluation must address the area affected by the project, which often extends beyond the proposed construction limits.
- The interdisciplinary investigation, interagency coordination and public involvement approach to the project are all designed to provide an ongoing and thorough social, economic, and environmental analysis. The process for evaluating social, economic, and environmental effects during project development falls into one of three levels of effort. The level of effort is continually evaluated to assure that the environmental analysis process is sufficiently comprehensive.

The appropriate environmental level of effort is based on two factors: context and intensity.

- Context is determined by the location of the project.
- Intensity is determined by the activities associated with proposed action.

The environmental level of effort and corresponding environmental document will be one of the following:

- Categorical Exclusion (CE);
- Environmental Assessment (EA); or
- Environmental Impact Statement (EIS).

The appropriate environmental level of effort should be determined early in project development to ensure efficient and timely completion of the process.

Attached to the environmental document may be other evaluations and investigations such as Section 4(f) Evaluations, NHPA Section 106 consultations, Wetland Findings, Clean Water Act Section 404 Permits, etc.

II. Project Development and Design

An environmental document processed and approved by the Department and FHWA is required on all federal transportation projects for location approval and project authorization. The environmental document must address a "transportation project" as defined in the preceding subsection entitled “Proposed Action and Level of Effort”.

Until a final environmental document is approved by the Department and FHWA, no actions that potentially result in adverse environmental impacts or that would limit the choices of reasonable

alternatives can be authorized or funded. This applies to final design efforts, property acquisition, and construction activities. If a project will be constructed in phases, the entire proposal must be approved before any portion or phase may advance to final design, property acquisition, or construction.

Environmental documents should be clear and concise. Discussions should focus on relevant issues and provide evidence that necessary analyses, public involvement, and agency coordination have been conducted. Less important issues should be only briefly discussed.

Changes in project scope – including changes in project termini – after Department and FHWA approval of the environmental document will necessitate a new or amended document. Changes in scope usually result in project delays.

The environmental document must include a description of the proposed action, a discussion of specific areas of environmental concern, and documentation of public input and agency coordination. A list of the factors that must be considered and adequately addressed is given below. The level of analysis and discussion for each of these areas must be commensurate with the potential for impact. In other words, if farmland is not impacted by the project, its consideration should be minimal in the environmental document.

A brief discussion of these environmental factors follows. The discussion and list are not intended to be all-inclusive, and they do not include many of the requirements of state and Federal laws and regulations. Some of the additional requirements will become apparent upon review of the documents and regulations listed at the end of this chapter.

III. Environmental Factors

Planning requirements of SAFETEA-LU;
Consistency with land use plans;
Farmland;
Social issues;
Economic issues;
Right of way, land transfer, and relocation;
Pedestrians, equestrians, and bicyclists;
Air quality;
Noise;
Water quality and stream modifications;
Permit applications and requirements;
Wetlands;
Floodplains;
Wildlife resources and vegetation;
Threatened and endangered species;
Cultural resources;
Section 4(f) and Section 6(f) Properties;
Hazardous Materials;
Natural, scenic, and visual resources;
Construction activities;
Cumulative and secondary impacts;
Public involvement;
Agency coordination; and
Mitigation measures and commitments.

1. Planning Requirements of SAFETEA-LU

The planning requirements of SAFETEA-LU afford an integrated project selection procedure with local planning organizations. The regional and metropolitan planning organizations (RPOs/MPOs) have established a process for planning and project selection that is consistent with the requirements of 23 CFR Part 450. The T/LGA must submit its proposed project request to the appropriate RPO/MPO for inclusion in the RTIPR or TIP.

2. Consistency with Land Use Plans

It is necessary to demonstrate that the project is consistent with the area's comprehensive development plan. A consideration of land use, transportation, public facilities, housing, and community services may be appropriate. Land use planning and control are relevant to environmental issues such as air quality, floodplain management, farmland protection, hazardous wastes, and high-noise impact areas.

3. Farmland

The project must address potential impacts on farmland of prime, unique, local, or statewide importance. If farmlands may be impacted the T/LGA must contact the Natural Resource Conservation Service, US Department of Agriculture, and complete a Form AD 1006 (Farmland Conversion Impact Rating). If the rating on this form exceeds 160 points, the T/LGA must consider alternatives that avoid or minimize farmland impacts.

4. Social Issues

Social impacts relevant to the environmental investigation include changes in neighborhoods, community cohesion, new development, changing property values, travel patterns, and safety. Effects of the project on the elderly, handicapped, and minority or ethnic groups are of particular concern. Project impacts should also be evaluated with respect to the Executive Order on Environmental Justice.

5. Economic Issues

Economic impacts may include effects on development, tax revenues, public expenditures, employment, and highway multi model dependent businesses. Foreseeable impacts should be discussed commensurate with the anticipated level of impact. The discussion should involve views of the affected citizens and officials.

6. Rights of Way, Land Transfers, and Relocations

An estimate of the amount of new highway or multi modal right of way required must be included in the environmental document. If relocations are involved, the impacts on residences and businesses and the availability of replacement property must be analyzed. If relocation is required, it is unlikely that a CE is the appropriate level of environmental documentation. If an easement or land transfer from a land managing agency is required, early coordination is critical. The environmental requirements of that agency must also be addressed by the T/LGA.

7. Pedestrians, Bicyclists, and Equestrians

If facilities for pedestrians, bicyclists, and/or equestrians exist within the project limits, the impacts associated with the current proposal must be examined. If such facilities are not available, their inclusion in the proposal should be analyzed. The T/LGA must reference any proposed trails or applicable trail planning documents.

8. Air Quality

The evaluation must include a brief discussion of the transportation related air quality concerns in the project area. An analysis of the proposed project is required to ensure that the project does not contribute to violations of any National Ambient Air Quality Standards (NAAQS), pursuant to the Clean Air Act. Air quality requirements are stricter in non-attainment areas that exceed the NAAQS for a regulated pollutant. Projects in non-attainment areas must be coordinated with the local MPO, air quality agencies, and the New Mexico Environment Department, which creates the State Implementation Plan.

9. Noise

If noise impacts of the proposed project approach or exceed the Noise Abatement Criteria in 23 CFR Part 772, noise mitigation must be evaluated. Noise levels must not be in conflict with existing state or local regulations. Abatement efforts must also be consistent with the NMDOT Policy on Noise Abatement. If noise impacts are anticipated, an in-depth noise analysis must be conducted. Noise analysis must be based on current and projected traffic volumes using up-to-date traffic data.

10. Water Quality and Stream Modifications

Projects located adjacent to arroyos, live streams, water impoundments, or irrigation supplies must comply with the provisions of the Clean Water Act (Sections 401 and 404) and the New Mexico Water Quality Act. Standards and permit requirements are available from the US Army Corps of Engineers (USCOE) and New Mexico Environment Department (NMED). Both surface and ground water quality must be addressed in the environmental document.

11. Agency Permit Applications or Requirements

There may be several applicable permit requirements on transportation projects. The Clean Water Act may require permitting actions by the USCOE and NMED. Land managing agency permits may be required for easements, construction activities, and archaeological investigations. The T/LGA must identify and make application for any required permits.

12. Wetlands

The T/LGA must address the potential project impact on wetlands. The current Manual for Wetland Delineation and the definition of wetlands issued by the USCOE and contained in 33 CFR 323.2(c) will determine involvement with jurisdictional wetlands. Permitting actions with the USCOE and NMED and coordination with the New Mexico Department of Game and Fish (NMDGF) and US Fish and Wildlife Service (USFWS) may also be required. Compliance with Executive Order 11990, Protection of Wetlands, must be demonstrated. A Wetland Finding that includes an "Only Practicable Alternative Finding" will be required if wetland impacts are identified. Efforts to minimize harm must be followed by a mitigation plan that results in "no net loss" of wetlands.

13. Floodplains

Any work in a floodplain, such as drainage improvements or channelization, must be based on accepted hydrologic and engineering studies. These activities must not result in floodplain damage in the project area. If the project involves a floodway or floodplain the environmental document must include a statement that the project is consistent with Executive Order 11988, Protection of Floodplains, and FHPM 6-7-3-2, Location and Hydraulic Design of Encroachments on Floodplains, and does not include a "significant encroachment" on a floodplain.

14. Wildlife Resources and Vegetation

Projects that disturb high quality habitat such as rock outcrops, stream courses, riparian areas, and large roosting trees may impact wildlife species. The Migratory Bird Treaty Act and the New Mexico Wildlife Conservation Act may apply in these and other locations. The environmental document must investigate and address wildlife impacts when appropriate. Native vegetation must be described and re-vegetation efforts programmed for disturbed areas.

15. Threatened or Endangered Species

Potential impacts to threatened or endangered species and critical habitat must be addressed. This will require coordination with the New Mexico Department of Game and Fish, US Fish and Wildlife Service, and NM Department of Energy, Minerals and Natural Resources. A field survey by qualified biologists/botanists may also be required to analyze project impacts. The environmental document must detail investigations or support the statement that "the project occurs in an area where there are no proposed or listed threatened or endangered species or critical habitat within the project limits".

For Federal Endangered Species Act Requirements, one of the following determinations is required:

1. No effect
2. May affect, not likely to adversely affect
3. May affect, likely to adversely affect

In cases of a “may affect” much more documentation and communication with the US Fish and Wildlife Service is required.

16. Cultural Resources

See subsection E of this chapter for a full discussion of Cultural Resource requirements, including archaeological and historic resources.

17. Section 4(f) and Section 6(f) Properties

Section 4(f) of the Department of Transportation Act states that the FHWA may not approve the use of land from a significant publicly owned park, recreation area or wildlife and waterfowl refuge, or any significant historic site unless a determination is made that there is no feasible and prudent alternative and efforts to minimize harm are included. The NMDOT should always be contacted when any of these described properties may be in the vicinity of a proposed project.

Section 6(f) of the Land and Water Conservation Act (LWCA) states that no property acquired or developed with the assistance of LWCA funds shall be converted to other than outdoor recreation uses without replacement in kind and the approval of the Parks and Recreations Division of the NM Energy, Minerals, and Natural Resources Department.

18. Hazardous Materials

See subsection F of this chapter for a complete discussion of Hazardous Materials requirements.

19. Natural, Scenic and Visual Resources

Natural landforms, recognized scenic areas, and wildlife or nature preserves must be considered in the evaluation. Impacts to visual resources created by the proposed action must be systematically investigated and mitigated as appropriate.

20. Construction Activities

Construction impacts are usually of short duration and covered by contractual controls during construction. However, issues such as detours and changes of access may require special consideration and discussion.

21. Cumulative or Secondary Effects

The environmental document must address the individual and cumulative environmental impacts of all phases or stages of project implementation. It must include by reference documents prepared before previous related actions were undertaken. It must also address the role of the project on anticipated development and identify anticipated impacts. Other reasonably foreseeable actions within the project's area of effect must be included in the document and impact analysis.

22. Public Involvement

The T/LGA must provide a summary of public involvement activities associated with the proposed project. Affected property owners, neighborhood groups and other interested entities must be consulted. A summary discussion of public concerns regarding the project and responses to those concerns must be included in the environmental document. Any substantial controversy on environmental grounds must also be addressed.

23. Agency Coordination

Early in project development, the appropriate regulatory agency contacts should be identified. The evaluation must reflect these coordination efforts and recommendations.

24. Mitigation Measures and Commitments

Appropriate measures necessary to mitigate adverse impacts must be incorporated into the proposed action. Appropriate mitigation measures must address impacts that actually result from project implementation. The proposed mitigation must also represent a reasonable public expenditure based on the magnitude of the impacts and the benefit of the proposed mitigation measures.

The Council on Environmental Quality has defined mitigation to include:

- Avoiding the impact altogether by not taking a certain action or parts of an action;

- Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and
- Compensating for the impact by replacing or providing substitute resources or improvements.

The T/LGA will establish a commitment file as a part of initial project development. The file consists of proposed mitigation measures, commitments made to resource or other agencies with permitting authority, commitments to citizens or interest groups, and other commitments made on the project. The file normally consists of design and environmental commitments. The T/LGA may also include other commitments such as right of way, access, maintenance, permits, and other agreements. The file should be summarized in the environmental document.

IV. Environmental Level of Effort and Documentation

CATEGORICAL EXCLUSION

It is anticipated that most projects proposed by a T/LGA will receive environmental approval through a CE. A CE type of project is an action that experience has shown does not individually or cumulatively have a significant environmental effect and is excluded from the requirement to prepare an EA or EIS (as per 23 CFR Part 771.115 and 40 CFR Part 1508.4). These actions do not induce significant impacts to planned growth or land use for the area; do not require residential or commercial relocation; do not have a significant impact on any natural, cultural, recreational, historic, or other resource; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel patterns; and do not otherwise, either individually or cumulatively, have any significant environmental impacts.

The CE level of effort should be conducted by an interdisciplinary team including qualified environmental, cultural and natural resource specialists. It must also include appropriate agency coordination, public involvement, environmental studies, and a summary description of the cultural resource inventory. The CE level of effort must be documented on a “CE Checklist” form, which may be obtained electronically on the NMDOT website: http://nmshtd.state.nm.us/main.asp?secid=14464

Preparation of the CE Checklist is the responsibility of the T/LGA. CE Checklist submittals must be accompanied by an area map, vicinity map, site plan, and other exhibits, as appropriate. CE documents must be submitted to the NMDOT Environmental Design Bureau, which will then consult with FHWA for approval. The Environmental Design Bureau and FHWA will review and determine if additional environmental investigations are required. If the CE Checklist is complete and FHWA determines that the project can be authorized with a CE, no further investigations will be required and FHWA will approve the CE Checklist.

ENVIRONMENTAL ASSESSMENT (EA)

An EA is the level of effort and documentation required for projects with a substantial scope of work, such as increasing capacity. Also, even with projects of less magnitude, if it is unclear whether significant impacts will occur or if there is substantial public controversy, an EA must be prepared by the T/LGA. It is highly recommended that the T/LGA hire a qualified environmental consultant and confer with the NMDOT Environmental Design Bureau before embarking on an EA level of effort.

For an EA level of effort, the T/LGA must coordinate with affected federal, state, and local agencies, Native Americans, and the public in determining the scope of the action, alternatives to be considered, and significant issues to be addressed.

A range of reasonable transportation alternatives must be evaluated. This range will always include the no-build option and may include transportation system management options, demand management strategies, improvements to the existing system, and other transportation modal alternatives.

An EA serves three basic purposes:

1. Identification of alternatives, impacts, mitigation measures;
2. Determination of the need for an EIS; and
3. Location approval and project authorization with the FONSI.

The EA document is an interdisciplinary investigation that includes qualified analysis in environmental factors to include: Planning requirements of SAFETEA-LU, Consistency with land use plans, Farmland, Social issues, Economic issues, Right of way, land transfer, and relocation, Pedestrians, equestrians mans bicyclists, Air quality, Noise, Water quality and stream modifications, Permit applications and requirements, Wetlands, Floodplains, Wildlife resources and vegetation, Threatened and endangered species, Cultural resources, Construction activities, Cumulative and secondary impacts, Public involvement, Agency coordination, and Mitigation measures and commitments.

The EA must address the social, economic, and environmental factors or resources identified above at a level of detail commensurate with the potential for impact. The EA must be researched and prepared by an interdisciplinary team of qualified environmental and natural resource specialists.

The EA must include the results of agency coordination. If permit actions from regulatory or land managing agencies are required, early coordination is critical to successful project implementation.

On complex projects in areas with multiple agency jurisdictions, it is important to establish a Project Management Team and a Project Study Team. The Project Management Team is a core team of engineers, environmentalists, consultants, and agency officials directly responsible for project development. The Project Study Team is a larger group that includes the Study Team and interested agencies, citizen groups, city/county officials, etc.

Permits are required if an easement is necessary from a federal or state land-managing agency. For work in the waters of the US, permits are required from the US Army Corps of Engineers pursuant to the Clean Water Act. The NMED must grant Section 401 water quality certifications for work in live streams.

A Cultural Resource Inventory conducted by a qualified cultural resource specialist/archaeologist for the T/LGA is always required for projects processed with an EA. The T/LGA shall be responsible for all archaeological clearances and complete the necessary consultations with the SHPO/THPO and other consulting or interested parties. See subsection E of this chapter, entitled “Cultural Resource Requirements,” for more information on this subject.

The EA should not elaborate on issues not relevant to the project. Background data and technical analyses to support concise discussions should be incorporated by reference.

Public involvement and agency coordination are often critical in the EA. The T/LGA will distribute copies of the signed EA to agencies, local officials, and interested citizens identified during document preparation.

If the 30-day public availability and comment period for the EA is concluded without identification of significant impacts, the T/LGA may request a Finding of No Significant Impact (FONSI). The elements for a FONSI request are outlined below in the subsections entitled “Input Synopsis” and “Finding of No Significant Impact.”

EA Format and Content

1. Signature Page and Table of Contents

The T/LGA should consult with the Environmental Design Bureau for the currently required signatures and format for the signature page.

2. Purpose of and Need for Action

The EA submitted by the T/LGA to the Environmental Design Bureau must include a clear statement of the purpose and need for the project. The EA must also identify and describe the transportation or other needs which the project proposes to address. The need may be to provide system continuity, increase roadway capacity, correct roadway deficiencies, safety, legislative mandate, economic development, inter-modal relationship, etc.

The project description should give the project location, length, termini, and the proposed improvements. The project must match the definition of a "transportation project".

There are several laws, regulations, and Executive Orders that mandate an evaluation of avoidance alternatives. These include Section 4(f), Executive Order 11990, Executive Order 11988, Section 404 (b)(1) Guidelines, the Farmland Protection Policy Act (FPPA), and the New Mexico Prehistoric and Historic Sites Preservation Act (NMPHSPA).

On projects that involve the aforementioned regulations, the project need must be very specific to determine if avoidance alternatives meet the stated project need. The purpose and need should be as comprehensive and specific as possible and be updated as needed throughout project development.

3. Alternatives

The EA must discuss all alternatives considered for the proposed action and must include the no-build alternative. The range of reasonable alternatives considered will be determined by the project scope, location, and potential for controversy or significant impacts. The EA may be prepared for one or more build alternatives. Alternatives eliminated in previous phases should be briefly summarized with reasons given for their elimination from further consideration.

The EA may need to develop and address avoidance alternatives to meet the requirements of Executive Order 11990, Section 4(f), Executive Order 11988, Section 404 (b)(1) Guidelines, and the NMPHSPA.

A preferred alternative need not be identified in the EA; however, if one alternative is clearly preferred over others, identification of this alternative in the document is recommended.

On straightforward projects such as minor improvements on an existing alignment, the EA may discuss the build alternative and the no-build alternative. Other alternatives that were considered but not carried forward should be included in the documentation, but require only minimal discussion.

On more complex projects such as major reconstruction on existing alignments or construction on a new alignment, the EA will address all the alternatives under consideration. This will include the range of reasonable alternatives and always more than the preferred, which may or may not be identified, and the no-build.

4. Impacts

The EA will discuss the social, economic and environmental impacts for each alternative being considered. The level of analysis must be sufficient to identify the project impacts to any resource and to include appropriate mitigation measures.

The public involvement and agency coordination conducted must identify any known or foreseeable concerns and responses to those concerns. The EA must also identify and discuss impact areas that have a reasonable possibility for individual or cumulative impacts.

The EA must describe why the identified social, economic, and environmental impacts are not considered significant. Individual conclusions for each environmental resource must be demonstrated.

5. Comments and Coordination

The T/LGA must determine and complete the appropriate level of public involvement and agency coordination. The Public Involvement Plan, submitted to the Department early in project development, will schedule appropriate activities.

The EA must summarize the key issues and information received from the public and governmental agencies contacted. An appropriate response must also be included.

6. Appendices

The appendices should include copies of pertinent agency coordination and determinations. Analytical information that supports an analysis important to the document (e.g. biological opinion) should also be included. Other information should be briefly described, referenced and included in the project file (e.g. noise or air analyses, cultural resource inventories, threatened and endangered species surveys, geologic investigations, etc.).

7. Section 4(f) Evaluation

A Section 4(f) Evaluation under the DOT Act is only applicable to federal-aid projects. The requirements of Section 4(f) (49 U.S.C. 303) are detailed in 23 CFR 771.135. The FHWA may not approve the use of land from a significant publicly owned public park, recreation area, or wildlife and waterfowl refuge, or any significant historic site unless a determination is made that:

There is no feasible and prudent alternative to the use of land from the property; and
The action includes all possible planning to minimize harm to the property resulting from such use.

The final decision on applicability of Section 4(f) to a particular type of land is made by the FHWA. Significance determinations are made by the officials having jurisdiction over the land and are subject to review for reasonableness by the FHWA. The NMDOT should always be contacted when any of these described properties may be in the vicinity of a proposed project.

As with other environmental impacts, the discussion of the project's impacts on the Section 4(f) property must include direct and indirect impacts and cumulative impacts. These are the impacts of the proposed project augmented by the impact of other reasonably foreseeable actions within the project's area of effect.

The Section 4(f) Evaluation must include:

Description and need for the proposed action;
Description of the Section 4(f) property;
Impacts on the resource by each alternative;
Alternatives that avoid Section 4(f) properties and their impacts;
Measures to minimize harm; and
Coordination with appropriate agencies.

If the T/LGA suspects that Section 4(f) properties may be impacted, a review by the Department/FHWA must be scheduled. Further guidance on preparation and circulation of the Section 4(f) Evaluation will be given by the Department/FHWA.

The New Mexico Prehistoric and Historic Sites Preservation Act (NMPHSPA) may apply to some historic properties with proposed projects that use state funding. This act may apply even if Section 4(f) does not apply. The provisions and procedures of the NMPHSPA are similar to Section 4(f).

The use of any Section 4(f) property will require a specific evaluation. An individual Section 4(f) Evaluation can be included with the EA or issued separately. It must be circulated to the appropriate agencies for coordination (23 CFR 771.135(i)).

In some cases a programmatic Section 4(f) evaluation is appropriate and the EA must identify the 4(f) resource and reference the evaluation. The EA does not need to repeat the avoidance alternatives evaluation in the programmatic 4(f) Evaluation. The avoidance alternatives evaluation will be part of the FHWA file documentation.

The applicability and findings of the Section 4(f) Evaluations are discussed in greater detail in reference sources listed at the end of this chapter.

EA Approval and Distribution

When the document is complete, the FHWA will provide signature approval for public and agency distribution and comment, and scheduling of the Public Hearing.

The T/LGA will provide a cover letter for circulation of the EA. The cover letter will solicit comments, give the close of comment date, and reference any public meetings. A display ad announcing the availability of the EA must be published by the T/LGA in a newspaper(s) of general circulation. The display ad will announce a Public Hearing if one is scheduled or offer the Opportunity for a Public Hearing.

The notice will advise the public of where the EA is available for review and the comment period. The public review and comment period for an EA is 30 days.

If a Section 4(f) Evaluation or the NMPHSPA requirements are included, a 45-day public review and comment period is required.

Public Involvement

It is recommended that the T/LGA prepare a Public Involvement Plan when it is determined that an EA will be prepared.

One or more Public Information Meetings are typically held before circulation of the EA. These meetings gather citizen input for selection of alternatives for inclusion in the EA. Meetings are informal and may include an organized presentation on the purpose and need and potential project scope in addition to individual discussions. No transcripts are required for Public Information Meetings, but comments must be summarized and included in the EA.

A Public Hearing is required if:

There is a potential for substantial controversy;
The T/LGA wants a hearing; and
An agency with jurisdiction requests one.

If a Public Hearing is not necessary, the T/LGA will offer the Opportunity for a Public Hearing in the EA notice of availability published in the local press. Requests for a hearing will result in a meeting between

the T/LGA and the requesting party. If concerns expressed can be settled in the informal meeting, then no hearing is required. If the project results in a change in access or a change in capacity, a Public Hearing is highly recommended. Further, if the public demonstrates substantial interest during the Public Information Meetings, a Public Hearing should be held.

The Public Hearing includes a formal presentation in addition to informal discussions. A transcript of the recorded proceedings or comments must be compiled after the meeting. The T/LGA will also summarize the hearing and comments and prepare appropriate responses. The T/LGA will coordinate the advertising, scheduling, exhibits, handouts, and meeting agenda.

Input Synopsis

The purpose of the Input Synopsis is to provide the information required to request a FONSI from the FHWA.

INTRODUCTION AND PURPOSE

Project description and summary

A. Project purpose and need;
B. Summarize each alternative considered;
C. Identify alternate selected by the design team; and
D. List commitments from the EA/Public involvement.

II. PUBLIC INVOLVEMENT

A. Give a brief summary of all public meetings; and
B. List each oral comment and provide a comprehensive response.

III. WRITTEN COMMENTS

List each written comment and provide a comprehensive response.

IV. APPENDIX

A. EA circulation list;
B. Public hearing transcript;
C. Copy of hearing handout;
D. Hearing sign-in sheets; and
E. Copy of the display ad.

Finding of No Significant Impact (FONSI)

After the public availability and comment period for the EA is concluded and no significant impacts have been identified, the T/LGA may contact the Department to request a FONSI. A FONSI must be endorsed by the Department prior to approval by FHWA. In addition to the Input Synopsis outlined above, the FONSI request must contain the following documentation:

Summary of the Public Hearing that includes a transcript, summary, handout, sign-in sheets, notice of the meeting, recommendations, and other relevant information;
Any changes in the proposed action or mitigation measures as a result of the Public Hearing or EA review and any impacts of the changes;
Identification of the selected alternative and a statement that "no significant impacts have been identified or are anticipated as a result of project implementation";
Any necessary findings, agreements, or determinations required for the proposal (e.g. Wetland Finding, Section 106, Section 4(f), etc.) and not included in the EA;
A summary of all comments received on the EA or at the public meetings and appropriate responses to the comments; and a discussion of major issues and how they were resolved.

The request for a FONSI, with the Input Synopsis, must be submitted to the Department. The Department and FHWA will review the request for federal-aid projects.

If the Department and FHWA review determines that the proposed action has no significant impacts, a separate statement (FONSI) will be issued by FHWA that clearly sets forth Department and FHWA conclusions.

The EA/FONSI must document compliance with NEPA and other applicable environmental laws, Executive Orders, and related requirements. This documentation is a part of the Administrative Record and is critical to ensure funding and in the event of a legal challenge. Changes in scope after document preparation may require a revised or new document.

ENVIRONMENTAL IMPACT STATEMENT (EIS)

If it is determined that the proposed action is likely to cause significant impacts to the human or natural environment, then an EIS level of effort is required. The determination of significance will vary from project to project and is based on context and intensity. The decision to prepare an EIS is not based strictly on a determination of significance and may hinge on other factors such as controversy. Close cooperation with the Department, FHWA, and other agencies and officials is critical in document preparation. Guidance for preparation of an EIS is referenced in several documents accessible at FHWA's website. A study plan for agency coordination, environmental scoping, and public involvement should be submitted to the Department/FHWA for review early in project development. An EIS level of effort is expensive and time consuming. It is strongly recommended that the T/LGA consult with the NMDOT Environmental Section and FHWA before considering such an expensive and labor intensive level of effort.

E. CULTURAL RESOURCE REQUIREMENTS

The National Historic Preservation Act of 1966 (NHPA), as amended, guides historic and archaeological preservation efforts on federal-aid projects. The Advisory Council on Historic Preservation (ACHP) has issued guidance for implementation of the NHPA in 36 CFR Part 800.

The NHPA and other regulations require consultation with the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) during all phases of project development. The State Historic Preservation Officer is under the Historic Preservation Division, of the Department of Cultural Affairs. T/LGAs can contact SHPO at the following:
Department of Cultural Affairs, Historic Preservation Division
Bataan Memorial Building
407 Galisteo Street, Suite 236
Santa Fe, NM 87501
Phone (505) 827-6320

To assure full compliance with historic preservation regulations, FHWA's procedures in New Mexico require consultation with the SHPO and/or THPO for any project that will require new right of way, or that will result in the disturbance of undisturbed ground within the existing right of way, or that could otherwise have an effect on a property on or eligible for inclusion in the National Register of Historic Places.

The New Mexico Prehistoric and Historic Sites Preservation Act and the Cultural Properties Act provide similar protection for significant cultural and historic resources in New Mexico on all projects.

Consideration of cultural and historic resources is required on every project. This may include a Cultural Resource Inventory conducted by qualified individuals (archaeologists and/or historic architects) and coordination of survey results and recommendations with the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO). The cultural resources investigations should be described in reports that meet the standards established by the Department, the Cultural Properties Review Committee, and any other involved land managing agency. Refer to the NMDOT Cultural Resources

Section and the New Mexico Historic Preservation Division's web pages for further guidance on cultural resource regulations. http://www.nmhistoricpreservation.org/OUTREACH/outreach_review.html

Projects may require consultation with Native American tribes regarding traditional cultural properties regardless of land ownership. The T/LGA should consult with the assigned Assistant Regional Division Manager to determine the need for tribal consultation as required by NHPA Section 106.

Cultural resource surveys may not be necessary for projects located in areas where no new ground disturbance will take place (such as pavement preservation projects) or that are not in the vicinity of historic buildings. Again the T/LGA should consult with the assigned Assistant Regional Division Manager to determine the appropriate level of effort for cultural resource investigation.

The T/LGA shall be responsible for all archaeological clearances and for completing the necessary consultations with the SHPO/THPO and other consulting or interested parties. SHPO/THPO is a requirement under the NHPA and falls under the umbrella of NEPA. While the Department does not provide the SHPO/THPO consultation for the T/LGA, the Department will review all NEPA documents as required for federal aid projects.

National Historic Preservation Act (NHPA) Section 106 Consultation Guidance:

The T/LGA should submit a consultation letter to the SHPO/THPO with the following information along with the completed cultural resource report when required. Expect 30 days for SHPO/THPO comment.

- Identification of funding (state/DOT or federal/FHWA).
- Description of the proposed action.
- Area of potential effects.
- Input from consulting parties.
- Public involvement, as appropriate.
- Identification and evaluation of cultural resources.
- Recommendations for treatment of cultural resources (avoidance, mitigation etc.).
- Determination of effect on National Register, NR eligible, 4(f), etc. properties.
- Assurance of compliance with commitments during construction.

Request SHPO/THPO concurrence with recommendations and determination of effect.
Include the SHPO/THPO consultation and concurrence in the National Environmental Policy Act (NEPA) document (CE, EA, or EIS).

F. HAZARDOUS MATERIALS REQUIREMENTS

The T/LGA shall be responsible for all hazardous material investigations and clearances and for ensuring that they comply with Department requirements and industry accepted practices for landowner liability protections. The Department's Hazardous Material Assessment Handbook provides general guidance for all investigation levels of effort.

Hazardous waste investigations must be performed on all projects for which real estate will be acquired, soil will be disturbed, or if there is other evidence of high-risk conditions that may impact the project, construction personnel, or the public. Investigation levels of effort include initial site assessments (ISA) during which potentially contaminated properties are identified, preliminary site investigations (PSI) during which the presence of contamination is confirmed, and detailed site investigations (DSI) in which the extent of contamination is defined. Building material surveys are necessary when structures are affected by the project. Each investigation type is described in greater detail below.

I Initial Site Assessment (ISA)

Guidance documents for Initial Site Assessments (ISAs) include ASTM Practice E 1527-05 and the Department's Hazardous Materials Assessment Handbook (2006) (HMAH), available at the following link:

http://nmshtd.state.nm.us/main.asp?secid=14483.

In accordance with the ASTM Practice, an ISA must be performed by an Environmental Professional as defined in the EPA's final rule for all appropriate inquiries (known as AAI). The T/LGA shall be responsible for ensuring the hazardous waste investigations conform to the guidelines and the recommended reporting format presented in the HMAH.

The goal of an ISA is to determine the potential presence of hazardous material contamination in soils, groundwater, or structures within an existing or proposed ROW. Contamination may be present due to activities within the project area, or may have migrated into the project area from adjacent or nearby properties. The investigator must consider the nature and scope of the construction project and the degree to which recognized environmental conditions (REC) uncovered during the ISA may impact the project scope.

The assessment consists of four primary components, the first three of which, when used in concert, provide a portrait of property usage from the present time to first development. The four components include:

- Records review (historical and regulatory),
- Site reconnaissance,
- Interviews with persons knowledgeable about the property or properties and the area, and Reporting.

The ISA requirements detailed in the HMAH differ slightly from those listed in the ASTM E 1527-05 standard in that the T/LGA must include in the report, the T/LGA project scope and recommendations based on that scope. A more detailed description of the reporting components and a sample report format is available in the ASTM 1527-05 standard and the HMAH.

II Preliminary Site Investigations (PSI)

ASTM standard guide for Phase II Environmental Assessments (E 1903 – 97, re-approved 2002) provides information which is relevant to the performance of PSIs. Because of the broad range of conditions that may present themselves during a construction project, no single guidance document is likely to include all potential scenarios. The EPA and the NMED have issued numerous guidance documents describing methods for the collection and analysis of environmental data. Due to the prevalence of petroleum hydrocarbons at contaminated sites within ROWs, the NMED Underground Storage Tank Bureau Guidelines for Corrective Action ("NMED Guidelines") is among the more relevant of these guidance documents. Standard EPA test methods must be used for laboratory analysis of soils. The most common reference for these analytical methods is EPA's Test Methods for Evaluating Solid Waste (SW-846) which is updated on a regular basis. The Departments PSI protocol and its required reporting format is detailed in the HMAH.

The goal of conducting a PSI is to evaluate the RECs identified in the ISA process, insofar as the REC affects the project. This evaluation is designed to provide sufficient information regarding the nature and extent of contamination to assist the T/LGA in making informed decisions about ROW acquisition and/or the scope and design of the proposed project. It is not necessary to complete the delineation of the nature and extent of each REC identified; only to provide enough information to support the T/LGA decision-making process. In many cases, the confirmation of presence or absence of contamination and preliminary data regarding the extent and magnitude of contamination may be sufficient for these purposes.

The PSI typically involves intrusive investigation methods (drilling and/or destructive sampling methods), field screening, sampling and laboratory analysis of environmental samples. For this reason, health and safety preparations must be made and appropriate precautions practiced during all field work. Consultants and T/LGA staff participating in the PSI field investigations must be appropriately trained and enrolled in a medical monitoring program. Health and safety requirements required by the Department are provided in the HMAH as are detailed discussion of the four PSI components listed below:

- Developing the scope of work
- Assessment activities
- Evaluation of the data
- Report of findings, conclusions, and recommendations.

III Detailed Site Investigations (DSI)

The DSI involves all of the PSI components but is more focused on specific areas of contamination that were confirmed during the PSI. The reporting elements are identical to those for a PSI and are presented in the HMAH.

IV Building Material Surveys

The T/LGA must survey building materials for lead based paint (LP) and asbestos containing members (ACBM) on structures that will be acquired, modified and/or removed during the course of construction. These surveys may be performed at any time during the site investigation (ISA, PSI or DSI) process, either separately or in concert, using applicable industry standards. The work plan shall be tailored to address specific on-site conditions at specified locations, including access. The sampling and testing program must be developed with respect to the T/LGA project scope.

G. FINAL DESIGN AND CONSTRUCTION

Final design efforts may proceed upon approval of a final NEPA document by FHWA. The project may be advanced to construction upon approval of the final design and all appropriate certifications.

1. Monitor Commitments

   Environmental commitments made during the location and design phases of project development are to be monitored to assure that they are implemented during the project construction phase. Provisions must also be incorporated that will insure commitments are properly maintained thereafter.

2. National Pollutant Discharge Elimination System (NPDES)

   Projects that will disturb five or more acres of land will need an Environmental Protection Agency (EPA) permit in accordance with the National Pollutant Discharge Elimination System (NPDES). The EPA has approved a general permit for construction activities in New Mexico.

   Compliance with the general permit will include filing a Notice of Intent (NOI), preparation of a Pollution Prevention Plan (PPP) to control erosion, and filing a Notice of Termination (NOT). The PPP erosion control plan must be available on-site and be modified if necessary to assure that it is effective. The Department guidelines are contained in Section 211 of the Department's Standard Specifications for Temporary Erosion and Sediment Control Measures. Projects that disturb less than five acres of land are likely to come under the NPDES in the near future. Other federal regulations require measures to prevent erosion and sedimentation of streams and rivers on every project. State laws, including the Water Quality Act, also protect water quality in New Mexico.

3. Reevaluations

The validity of the findings and conclusions of the environmental document is maintained only as long as the conditions surrounding the original analysis remain constant. Since conditions rarely remain constant, the T/LGA must be vigilant in its continuing reassessment of both changes in project location and design features and changes in the surrounding area.

A new or supplemental environmental document is required whenever there has been:

- Substantial change in the proposal;
- Substantial unanticipated development in the area affected by the proposal;
- An unusually long lapse of time since the approval of the original document; or
- Identification of significant social, economic, or environmental effects not previously considered in the original document.

ENVIRONMENTAL LAWS, REGULATIONS, & GUIDANCE FOR
PROJECT DEVELOPMENT

"Location Study Procedures," New Mexico State Highway and Transportation Department, August 2000.

Clean Air Act (CAA) 23 USC 109(1), 42 USC 7401-7428, and 23 CFR 770, 40 CFR 50-52, 49 CFR 623.

Clean Water Act (CWA), 33 USC 1251, et seq.

Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 USC 9601-9651 and 40 CFR PARTS 300, 302, 311, and 355.

Cultural Properties Act, NMSA 1978, Section 18-6-1.

Department of Transportation Act of 1966 (DOT), Section 4(f) Evaluations.

Endangered Species Act (ESA), 16 U.S.C. 1531, et seq. 1973, and 7 CFR 355, 50 CFR 17-453.

Farmland Protection Policy Act (FPPA), Public Law 97-98, 7 U.S.C. 4201-4209, 1981.

Fish and Wildlife Coordination Act (FWCA), 16 USC 661-667(d).

"Floodplain Management", Executive Order 11988, FHPM 6-7-3-2 and 23 CFR 650 A, 23 CFR 771.

"Guidance Regarding NEPA Regulations", CEQ July 28, 1983.

"Guidance For Preparing And Processing Environmental and Section 4(f) Documents" FHWA Technical Advisory 6640.8A, August 24, 1982.

“Handbook of Species Endangered In New Mexico" New Mexico Department of Game And Fish.

Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), FHWA.

SAFETEA-LU: “Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users,” FHWA (2000).

Land and Water Conservation Act of 1965, 16 USCS 4601-8.

National Environmental Policy Act (NEPA) of 1970, 42 USC 4321-4347 and 23 CFR 771, 40 CFR 1500-1508 (CEQ Regulations).

National Historic Preservation Act, as amended, USC 470f, and EC 11593, 23 CFR 771, 36 CFR 60, 36 CFR 63, 36 CFR 800.

New Mexico Hazardous Waste Act, NMSA 1978, Sections 74-4-1 - 74-4-13.

New Mexico Prehistoric & Historic Sites Preservation Act, NMSA 1978, Section 18-8-1.

New Mexico Solid Waste Act, NMSA 1978, Section 74-9-1.

New Mexico Water Quality Act, NMSA 1978, Sections 74-6-1 - 74-6-14.

NMDOT Noise Abatement Policy, revised 2006.

“Protection of Wetlands”, Executive Order 11990, 23 CFR 777.

"Questions and Answers About NEPA Regulations", CEQ March 30, 1981.

Resource Conservation and Recovery Act of 1976 (RCRA), 42 USC 6901, et seq.

"Scoping Guidance", CEQ April 30, 1981.

Wild and Scenic Rivers Act, 16 USC 1271-1287, and 36 CFR 251, 36 CFR 261, 43 CFR 8350.

Wildlife Conservation Act, NMSA 1978, Sections 17-2-37 - 17-2-46.

Native American Graves Protection and Repatriation Act, 25 USC 3001 et seq.,1990.

American Indian Religious Freedom Act of 1978, 42 USC 1996 (1978)

Executive Order 13007, 6 Fed. Reg. 26,771 (1996), “Indian Sacred Sites.”

Executive Order State of New Mexico 2005-003, “Adoption of Statewide Tribal Policy on the Protection of Sacred Places and Repatriation”

National Register Bulletin 38, “Guidelines for Evaluating and Documenting Traditional Cultural Properties,” 1990, National Park Service

Executive Order 13175, (2000), “Consultation and Coordination with Indian Tribal Governments.”

Archaeological Resources Protection Act, 16 USC 470cc. and dd.; 43 CFR 7

Hazardous Materials Assessment Handbook, 2006, NMDOT Environmental Geology Section

E 1527-05, Standard practice for environmental site assessments: Phase I environmental site assessment process, 2005, American Society for Testing and Materials

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC § 9601 et seq. (2002)

Environmental Resources on the Web

NMDOT Cultural Resources Section
http://nmshtd.state.nm.us/main.asp?secid=14763
The CRS web page provides links to the NMDOT cultural resources guidelines and Historic Preservation Division regulations.

NMDOT Environmental Geology Section
http://nmshtd.state.nm.us/main.asp?secid=14483
The EGS web site contains links to some of the many state and federal web sites that have proven useful in the completion of environmental site assessments. It also contains a link to the Hazardous Materials Assessment Handbook and the NMED's eIDEA searchable database for regulated sites in New Mexico.

NMDOT Human and Natural Resources Section
http://nmshtd.state.nm.us/main.asp?secid=14464
The H&NRS web site contains links to Federal NEPA guidelines, FHWA regulations, and natural resource agency permitting and related procedures.

NMDOT Location Study Procedures Guidebook
http://www.nmshtd.state.nm.us/main.asp?secid=11182
The Location Study Procedures guidebook has been prepared to assist transportation engineers and planners and other practitioners in preparing alignment and corridor studies consistent with the requirements of the National Environmental Policy Act (NEPA), the regulatory requirements codified in 23 CFR 770-772, and other federal and state regulations and policies related to transportation planning and project development.

Federal Highway Administration, Environmental Program
http://www.fhwa.dot.gov/environment/index.htm
FHWA Office of Planning and Environment web site provides links to diverse and widespread variety of programs, research and other activities including: Air quality, Environmental Justice, Environmental Guidebook, Environmental Streamlining, Highway Traffic Noise, Human Environment, Natural Environment, NEPA Project Development, Public Involvement, General Topics.

Advisory Council on Historic Preservation
www.achp.gov/work106.html
This is the primary web-based resource for the council's guidance on working with Section 106. The site provides the full text of the council's 1999 revised regulations as well as other information about cultural resource management. Also useful are the publications designed to aid Section 106 users as they apply the revised regulations.

New Mexico Environment Department
http://www.nmenv.state.nm.us/
The NMED website provides links to regulatory research and guidance; announcements of changes within the agency structure and regulations, including draft regulations available for public review and comment; a searchable database of regulated properties; etc.

US Environmental Protection Agency
http://www.epa.gov/
The EPA web site provides links to numerous federal programs, and research and regulatory resources including: current research; guidance regarding asbestos, lead, hazardous materials, Superfund sites and others; testing methods; informational sources; and educational resources.

FHWA's Eastern Resource Center Environmental Guidebook
http://www.environment.fhwa.dot.gov/guidebook/index.asp Provides full text of numerous regulations, executive orders, etc. Many files can also be downloaded. Subjects covered include NEPA/Project Development and the Environmental Process; Section 4(f); Historic and Archeological resources;

Community and Social Issues; Wetlands and Floodplains. Links to other guidance and information and related web sites are also available.