

Title: Scoping
Date: August 2016
SOP No.: 7
Issued by the Office of Planning and Environment (TPE)

1. Purpose

This document provides guidance on “scoping” as part of the environmental review process. Scoping is “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” (40 CFR 1501.7).

2. Applicability/Scope

Scoping is a process, not a meeting or event. It is through the scoping process that potentially significant environmental impacts and alternatives to avoid or minimize impacts should be identified for further evaluation in the environmental document, as appropriate. Considering the scope of the proposed action includes considering the range of actions (i.e., whether segmentation is occurring), alternatives (no build alternative, build alternative(s), and mitigation measures), and impacts (direct, indirect, cumulative) (40 CFR 1508.25). Through the scoping process, the project team can identify impacts that are inconsequential and need no further evaluation or only require limited evaluation, thereby keeping the environmental document focused on impacts of consequence.

3. Responsibilities

FTA Regional staff’s scoping responsibilities include reviewing scoping material and ensuring the material is appropriately shared and publicized with the public, stakeholders, and potentially affected agencies, participating in scoping discussions, and considering public and agency scoping comments.

4. Standard Procedures

4.1. Scoping for EISs. The Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act (NEPA) provide for a thorough, formal scoping process that applies to projects evaluated with environmental impact statements (EISs) (see 40 CFR 1501.7). Those requirements are supplemented by the framework provided in 23 U.S.C. § 139.

4.1.1. Public notice. The notice of intent (NOI) (see SOP No. 6) formally announces scoping and begins the 30-day comment period for scoping. All NEPA-related public meetings, including scoping meetings, must be announced to the public; if known at the time of publication, the NOI should include scoping meeting(s) details as a best practice. Meeting information should also be announced through other media, such as local newspapers and the project sponsor’s public and/or project website.

4.1.2. Scoping information packet. The project team may provide a packet of information for the public and agency partners during scoping. The packet should be provided at the scoping meetings (if held), attached to the invitations to potential participating and cooperating agencies, and posted on the project website if possible. FTA encourages project sponsors to post scoping information and materials on the project website. Regional staff

should review any scoping materials prior to finalizing and publishing. The scoping packet usually contains the following information:

- Description of the proposed action;
- Draft purpose and need statement;
- Proposed alternatives (maps or drawings may be included);
- References to any prior planning work that support decisions being carried forward into NEPA;
- Identification of the range of potential environmental impacts expected to be evaluated due to their significance;
- A brief explanation of scoping and FTA's environmental review process;
- Contact information, including where to send comments; and
- A draft coordination plan, including a high-level schedule within the plan.

4.1.3. Dashboard. EISs have 90 calendar days from the NOI to be included in the Federal Infrastructure Permitting Dashboard (Dashboard), whereas, environmental assessments (EAs) are to be added 90 calendar days from "project initiation" (see 23 U.S.C. § 139(o)). The Dashboard requires project sponsors enter a project summary, total estimated costs, a geographic location, and a detailed project schedule. The project schedule should be consistent with the coordination plan required by 23 U.S.C. § 139, although it is likely to be more detailed, depending on Dashboard guidance.

4.1.4. Public outreach, including meetings. Per CEQ's Memorandum for General Counsels, NEPA Liaisons, and Participants in Scoping (1981), "there is no established or required procedure for scoping. The process can be carried out by meetings, telephone conversations, written comments, or a combination of all three." In other words, scoping meetings are not required; other public outreach methods may be more appropriate depending on the project. The process should be determined through discussions between the FTA Regional staff and project sponsor, and it should be tailored to the project. Considerations include the necessity and purpose of a meeting, and where additional agency/public input would contribute to FTA's understanding of the project area. If FTA Regional staff and the project sponsor decide that a meeting or meetings should be held, then FTA Regional staff should jointly plan the scoping meeting(s) with the project sponsor; the meeting(s) should be conducted during the scoping period identified in the NOI and at least two weeks after the NOI is published in the *Federal Register*.

- **FTA attendance.** FTA Regional staff should attend and participate in the scoping meetings in-person when possible; otherwise participation can occur via teleconference line. If the FTA Regional staff cannot participate, then staff should be involved in planning the meeting and request a meeting summary.
- **Information collected at scoping meetings.** Meetings should seek comment on the draft purpose and need, the alternatives proposed for evaluation, and the issues and impacts expected to be crucial to a decision. As scoping meetings are not normally (nor required to be) transcribed, attendees should be instructed to submit written comments for the record. A member of the project team should note any new issues received during the scoping meeting. Project staff should commit to reviewing all new issues to determine appropriateness for inclusion in the EIS.

Relevant new issues of potential significance should be discussed with Regional staff to determine whether the EIS should address them.

4.1.5. Interagency scoping process. Regional staff and the project sponsor must identify any other Federal and non-Federal agencies that may have an interest in the project within 45 days of publishing the NOI (23 U.S.C. § 139(d)(2)). FTA and the project sponsor must invite the identified agencies to become participating agencies in the environmental review process for the EIS (23 U.S.C. § 139 (d)(2)). Regional staff should ensure that "participating agency" and "cooperating agency" invitation letters include the scoping information packet described above along with the invitation to the scoping meeting, and that the letters are sent to appropriate tribes and agencies. FTA or the project sponsor, or a combination of the two, can send the invitation letters, with the exception of the letters to Indian tribes, which FTA must send. Note that the Section 139 guidance addresses how to identify which agencies should be "cooperating" and which should be "participating." In order to comply with other Federal environmental laws, such as the Clean Water Act, purpose and need statements may need to be drafted considering those other environmental laws. When this occurs, FTA/the project sponsor should coordinate with the Federal agency with jurisdiction by law and ensure they are invited to participate.

A scoping meeting, whether held in-person or via teleconference, with the participating and cooperating agencies is highly recommended and should include discussion of the purpose and need, the alternatives, issues, and impacts to be studied, the impact assessment methodologies to be used, and the coordination plan. FTA staff should encourage all agencies to share additional information regarding the resources in the project study area, present concerns, and identify trade-offs to be discussed in the EIS. FTA Regional staff should participate in the interagency meetings.

4.1.6. Coordination plan. No later than 90 days after the publication of an NOI, FTA and the project sponsor must develop a coordination plan (23 U.S.C. § 139(g)(1)). The required coordination plan should describe how the project sponsor and FTA will engage with the public, tribes, and agencies during the environmental review process (especially at identified milestones). It will also identify tribal and agency roles and responsibilities. Typically, FTA and the project sponsor will draft the coordination plan at the outset of scoping and finalize it by the end of scoping or shortly thereafter. The coordination plan may be incorporated into a memorandum of understanding. The coordination plan should identify anticipated interagency coordination and public involvement activities and general timeframes, though the plan should not be used as the means for public or agency input on the project purpose and need or alternatives under consideration. Note that on many projects, unforeseen developments require the sponsor to update the plan periodically. The plan should be posted on the project website.

4.1.7. Schedule. FTA Regional staff, together with the project sponsor, must prepare a high-level schedule consisting of high-level milestones (e.g., month/year or quarter/year) for the environmental review process and include it in the coordination plan. As lead agencies, FTA and the project sponsor must consult with and reach concurrence with all participating agencies on the schedule and any later revisions to it (see 23 U.S.C. § 139(g)). FTA will assume concurrence of participating agencies if no written objections are received within 30 days of distribution of the schedule.

4.1.8. Annotated outline. After the scoping comment period closes, FTA Regional staff and the project sponsor will conclude the scoping process by analyzing the comments received and producing an annotated outline of the draft EIS (encouraged, but not required).

4.1.9. Recording and documenting scoping. A summary of the scoping process, including participation methods and a list of which agencies were invited, would be included in the public involvement technical report of the EIS. The comments received during scoping are considered in the development of the annotated outline. The annotated outline can include a brief scoping summary of the comments and input, but the actual comments received would be saved in the project file. The scoping process and input received may be summarized in a scoping report or memo but is neither necessary nor required.

4.2. Scoping for EAs. Formal scoping for EAs is allowed though not required. If scoping is conducted, it is substantially less formal than EIS scoping. FTA Regional staff should review the proposed project and determine the appropriate level of effort needed to scope the proposed action.

4.2.1. Agency consultation. FTA encourages early consultation with responsible officials and agencies that may have an interest in the proposed action. Interagency discussions may occur on an individual basis or at a larger meeting, and may occur only when the need or issues arise.

4.2.2. Public notice. FTA encourages public notice of the proposed project at the outset of the environmental process in certain situations (e.g., for controversial or complicated projects), but it is not required nor would scoping need to be announced.

4.2.3. Coordination plans. A coordination plan for an EA is not required but a similar written plan may be appropriate, especially for a complicated EA.¹ It would generally include the content as described above for EISs, but tailored to the less formal EA process.

4.2.4. Annotated Outline. FTA recommends annotated outlines for EAs, especially for complicated projects or when the project team wants to use the annotated outline as a document-framing tool. Regional staff will review an annotated outline of the EA after informal scoping and before the actual assessment of impacts and preparation of the EA.

4.3. Scoping for CEs. Formal scoping is not required for categorical exclusions (CEs). The element of scoping that applies to CEs is the consideration of impacts to ensure there are no unusual circumstances that would affect the application of a CE determination to the project. This may include limited consultation and outreach; the supporting documentation/project file would include a description of the interagency consultation including the result of the consultation.

5. References

- Efficient environmental reviews for project decisionmaking, [23 U.S.C. § 139](#)
- CEQ regulations implementing NEPA, [40 CFR 1501.7](#), [1508.25](#)

¹ A coordination plan is only required for an EA if FTA decides to apply the 23 U.S.C. § 139 environmental review process to the EA.

- [Memorandum for General Counsels, NEPA Liaisons, and Participants in Scoping](#) (CEQ, 1981)
- [Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act](#) (CEQ, 2012)
- [Forty Most Asked Questions Concerning the Council on Environmental Quality's National Environmental Policy Act Regulations](#) (CEQ, 1981) (see answers to Question 36)
- [SAFETEA-LU Environmental Review Process Final Guidance](#) (2006)
- [Establishing Metrics for the Permitting and Environmental Review of Infrastructure Projects](#) (OMB/CEQ, 2015)

APPROVAL:



Christopher S. Van Wyk
Director, Office of Environmental Programs

DATE:

8/11/2016