

Title: Early Scoping
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SOP No.: 3
Issued by the Office of Planning and Environment (TPE)

1. Purpose

This document provides guidance on early scoping, an optional step in the public planning and environmental processes that precedes formal National Environmental Policy Act (NEPA) scoping. When employed, early scoping is the first opportunity for the public to learn about a proposed project in regards to the environmental review process. Its purpose is to identify possible issues prior to making any significance or class of action determinations, but it can also facilitate the use of planning work later in the formal environmental review process.

2. Applicability/Scope

Formal NEPA scoping follows FTA's publication of a Notice of Intent (NOI) in the *Federal Register* for projects requiring an environmental impact statement (EIS). However, scoping "may be initiated earlier [early scoping], as long as there is appropriate public notice and enough information available on the proposal so that the public and relevant agencies can participate effectively" ("Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations," Council on Environmental Quality (CEQ)). Early scoping may be beneficial to conduct regardless of class of action but level of effort should be commensurate with class of action. Early scoping activities can refine project definition, identify stakeholders and potential concerns/interests, and help determine the class of action.

FTA encourages prior planning activities in order to refine the project that will be evaluated in the NEPA document, thereby streamlining the environmental review process. Incorporating environmental review process considerations (e.g., purpose and need, alternatives, significant environmental issues) during planning generally is referred to as "planning and environmental linkages," but it can also be referred to as early scoping when you are determining the scope of the environmental issues associated with a project. Performing preliminary data analysis and requesting input from the public and agencies on issues before NEPA begins is early scoping. This opportunity normally occurs prior to the formal environmental review process, and can be concurrent with planning.

Early scoping is appropriate when a proposed action has not yet been identified and a large number of transit mode and alignment alternatives in a broad study area are under consideration. For example, a transit agency, metropolitan planning organization (MPO), or other planning entity may be performing a planning study of a number of transit options in a large metropolitan travel market, and the project sponsor and FTA Regional staff want public and agency input about environmental resources and proposed alternative locations to help narrow the range of alternatives. The project team can then incorporate products or decisions documented during planning directly into the environmental review process for the proposed project that emerges from the planning study (23 CFR 771.111(i)(2)).

3. Responsibilities

FTA Regional staff should work with the project sponsor to identify an opportunity to apply early scoping (e.g., timing, appropriate scenarios), and to provide process guidance (e.g., notice and documentation

expectations). Regional staff, in consultation with the Regional Counsel, will publish an early scoping notice in the *Federal Register* to provide notice to the public and our partner agencies.

4. Standard Procedures

4.1. Early scoping notice. When the project team engages in early scoping and wants the results to be considered during the environmental review process, FTA publishes an early scoping notice in the *Federal Register*. Per CEQ guidance, an early scoping notice must provide enough information to allow the public and relevant agencies to participate effectively. The notice should:

- Clearly describe the process of early scoping;
- Include information about the planning study;
- Request comment on the range of alternatives to be considered, potential impacts, and draft Purpose and Need statement; and
- Identify opportunities for public comment, including meetings (if applicable).

The early scoping notice can request comment on whatever the project team would like to receive comments on as long as there is enough information for the public and agencies to respond effectively. Early scoping is quite flexible in that respect as it depends on the level of planning development at the time of the notice.

Per CEQ guidance, FTA must clearly state in the notice that it intends to substitute early scoping for the formal NEPA scoping process when that possibility is under consideration.

4.2. Outreach. Early scoping activities can include public meetings, newspaper advertisements, and meetings with Federal, State, and local agencies, or tribal governments that may have an interest in the outcome of the study. Outreach may coincide with activities for earlier planning work. It is a good practice to conduct early scoping in a manner similar to formal NEPA scoping and engage all interested parties, rather than being limited to designated stakeholders (e.g., the downtown business community) in the event early scoping substitutes for traditional scoping. FTA Regional staff should remain aware of early scoping activities but may not be involved in the decisionmaking as much as during the formal NEPA scoping process.

4.3. Early scoping as substitute for NEPA scoping. Early scoping cannot substitute for the normal scoping process after publication of the NOI to prepare an EIS, unless the early scoping notice stated clearly that this possibility was under consideration, and the NOI expressly provides that written comments on the Purpose and Need, scope of alternatives and impacts will still be considered. Additional outreach to Federal, State, and local agencies, and tribal governments, during the environmental review process may still be recommended. For example, early scoping may be used if a project proceeds directly from planning to the environmental review process.

4.4. Planning & Environmental Linkages. Early scoping can serve not only to streamline the environmental review process, but also to securely “link” transportation planning and NEPA. (See 23 CFR 450.318(a)-(c) and 23 CFR part 450, Appendix A for more information.) While similar decisions can result from transportation planning or early scoping, early scoping may be appealing to project sponsors when used to formally begin the environmental review process because it is a clear link to NEPA.

4.5. Documentation. If the project team intends to use decisions made during early scoping in the environmental review process, FTA must ensure the decisions and supporting processes or information are documented in the project file. The project file should document the process, such as the process to screen alternatives or resources, any decision(s) to be carried forward into NEPA, and agency/public involvement. FTA should ensure the environmental document includes the decisions made as a result of early scoping briefly and where appropriate within the document; early scoping materials and decision documents should be made available upon request.

5. References

- [Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations](#) (CEQ, 1981) (see answer to Question 13)
- FTA's Environmental Impact and Related Procedures, [23 CFR 771.111\(i\)\(2\)](#)
- Linking the Transportation Planning and NEPA Processes, [23 CFR 450.212](#), [450.318](#), and [Appendix A](#)

APPROVAL:



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DATE:

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