Los Angeles County
Metropolitan Transportation Authority

Guide for Managing Environmental Documents for Transit Projects
Handbook

December 2015
Revised: June 2018

Ⓜ Metro

GUIDE FOR MANAGING ENVIRONMENTAL DOCUMENTS FOR TRANSIT PROJECTS

Ⓜ Metro

Guide for Managing Environmental Documents for Transit Projects

Prepared for:

M **Metro**

Prepared by:

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LIST OF ACRONYMS

AA	Alternatives Analysis
ACHP	Advisory Council on Historic Preservation
APE	Area of Potential Effects
BRT	Bus Rapid Transit
CAC	Community Advisory Committee
CEQA	California Environmental Quality Act
DOI	United States Department of the Interior
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
FTA	Federal Transportation Administration
HRT	Heavy Rail Transit
LEP	Limited English Proficiency
LPA	Locally Preferred Alternative
LRT	Light Rail Transit
MAP-21	Moving Ahead for Progress in the 21st Century
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
NAHC	Native American Heritage Commission
NEPA	National Environmental Policy Act
NHL	National Historic Landmark
NHPA	National Historic Preservation Act
NOA	Notice of Availability
NOC	Notice of Completion
NOD	Notice of Determination
NOI	Notice of Intent
NOP	Notice of Preparation
NPS	National Parks Service
NRHP	National Register of Historic Places
OHP	Office of Historic Preservation
PA	Programmatic Agreement
ROD	Record of Decision

SHPO   State Historic Preservation Officer

TAC   Technical Advisory Committee

TCR   Tribal Cultural Resource

THPO   Tribal Historic Preservation Officer

USDOT   United States Department of Transportation

1 INTRODUCTION

WHAT IS THE PURPOSE OF THE GUIDE?

The purpose of the Guide for Managing Environmental Documents (the Guide) is to provide a tool for Metro Project Managers to successfully manage the environmental documents process in order to:

✓ Ensure consistency across all environmental documents prepared for Metro transit projects

✓ Produce concise, clear, and easily understandable documents that meet Metro and Federal Transportation Administration (FTA) expectations for high-quality environmental documents

✓ Use a consistent approach for addressing environmental impacts, mitigation measures and commitments (betterments), and utilize successful approaches and strategies from "lessons learned" in addressing these issues in all documents

✓ Fulfill the Metro internal review process and engage other Metro departments throughout the environmental process

✓ Effectively manage public and agency participation throughout the environmental process

New!

UPDATE – June 2018:

FTA now has a two-year window to complete environmental documents.

HOW IS THE GUIDE ORGANIZED?

The Guide provides Metro Project Managers with:

■ Step-by-step guidance and checklists for each phase and each component of the environmental process, from Early Planning Alternatives Analysis (AA) to the Record of Decision (ROD)

■ A standardized format for Metro's Environmental Impact Statement (EIS)/Environmental Impact Report (EIR), public notices, and required forms

■ Standardized content for Metro EIS/EIRs to provide a consistent approach for addressing environmental impacts, and mitigation commitments

■ Results of "lessons learned" from recent Metro projects to provide successful approaches and strategies for addressing environmental issues in a consistent manner

■ An established process for Metro's internal review of EIS/EIRs by a panel of Metro reviewers to ensure a high level of quality and consistency of environmental documents for all Metro projects

The Guide is a living document that will be regularly updated to reflect changes in laws, regulations, guidelines, and processes for EIS/EIR documents.

New!

UPDATE – June 2018:

Consider incorporating "lessons learned" early, e.g. at the preparation of the scope and procurement stage.

- Links to additional resources listing for National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA), and Metro policies, practices, regulations, and standards; FTA regulations, policies and initiatives; relevant regulations and requirements of other Federal and State agencies; NEPA and CEQA court rulings and legal summaries; federal and other plain language guidelines; and other relevant information

2 ENVIRONMENTAL PROCESS OVERVIEW

WHAT ARE THE STEPS IN THE ENVIRONMENTAL PROCESS?

The Metro planning and environmental process consists of three phases:

- Early Planning/Alternatives Analysis

- Draft EIS/EIR

- Final EIS/EIR

Figure 1 outlines the major steps in each of these three phases, beginning with the development of the Purpose and Need statement and concluding with the Record of Decision (ROD) and Notice of Determination (NOD). The formal environmental process initiates with the publication of the Notice of Intent/Notice of Preparation (NOI/NOP). However, the early planning/alternatives analysis work is critical in developing a clear Purpose and Need statement and defining the alternatives to be studied in the Draft EIS/EIR within a two-year window. Refer to Chapter 7 of the Guide for details about the early planning/alternatives analysis phase of work.

The Guide was prepared with the intent that a joint EIS/EIR document complying with both NEPA and CEQA is being prepared for a project. If a CEQA-only document is being prepared, follow the EIR components of the Guide which are identified after the slash (/); as for example in the sentence: "The formal environmental process initiates with the publication of the Notice of Intent/Notice of Preparation" - a CEQA-only document will focus solely on the "Notice of Preparation" component.

The Draft EIS/EIR is officially initiated with the publication of the NOI/NOP and a 30-day scoping period. Once the scoping comments are documented and summarized, the team can begin preparation of the environmental technical reports and the Draft EIS/EIR. The purpose of the Draft EIS/EIR is to identify environmental impacts that would result from the alternatives under consideration and develop mitigation to minimize those impacts. Refer to Chapter 8 and Chapter 9 of the Guide for an overview of how the Draft EIS/EIR should be structured and how impacts and mitigations measures are developed.

Once the Draft EIS/EIR is complete, it is circulated for public and agency review for a minimum of 45 days (and maximum of 60 days). Following the comment period, the Metro Board will select the Locally Preferred Alternative (LPA) to be carried forward into the Final EIS/EIR. The Final EIS/EIR focuses on the impacts and mitigation measures associated with the LPA and responds to comments from the public and agencies on the Draft EIS/EIR. The Final

New!

Update – June 2018
a. The "Purpose and Need" statement is specific to NEPA documents; joint documents under CEQA are incorporated under "Goals and Objectives."

b. Keep in mind the FTA's recent amendment to the window for project development, which is now two years.

New!

Update – June 2018
Don't start with a 60-day comment period; rather, keep it in mind should it be needed.

EIS/EIR is made available for public and agency review for a minimum of 30 days, following which the FTA will prepare and sign the ROD for the EIS (which, depending on the complexity, could occur in one process), and the Metro Board will certify the EIR.

Public outreach, agency coordination, and tribal consultation are critical throughout the environmental process. The timing to provide legally required opportunities for public review and input is shown in orange in Figure 1. Refer to Chapter 4 of the Guide for details about the outreach and coordination process.

Following completion and all required approvals of the Project, there is a transition from the Planning department to Construction (or, Program Management). It is important to ensure that Planning support is available following this transition as this can provide a comfort factor in understanding why certain decisions were made during the Planning process, and also to serve as a supporting staff should additional analysis be needed.

FIGURE 1: ENVIRONMENTAL PROCESS

Early Planning/Alternatives Analysis

- Purpose and Need
- Initial Alternatives Definition
- Alternatives Analysis Screening
- Selection of Alternatives to be Carried into Draft EIS/EIR

Draft EIS/EIR

- NOI/NOP
- Public Scoping (30 days minimum)
- Draft EIS/EIR Preparation
- NOA/NOC
- Agency and Public Review and Comment Period (45 days minimum)
- Selection of Locally Preferred Alternative

Final EIS/EIR

- Final EIS/EIR Preparation
- NOA/NOC
- Agency and Public Review and Comment Period (30 days minimum)
- Signing of ROD/NOD

Public Outreach

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3 METRO REVIEW PROCESSES

3.1 Metro Internal Review Process

WHAT IS THE METRO INTERNAL REVIEW PROCESS?

The Metro Internal Review Process facilitates the interdepartmental coordination to ensure consistency across Metro projects. To do so, this section identifies:

- What the interdisciplinary review process is

- Who reviews the AA and EIS/EIR documents or their components

- When the reviews take place

- How to account for review milestones in developing timelines and schedules

The development, review and approval of the AA, EIS/EIR, and mitigation measures commitments require an interdisciplinary approach.

WHO IS INVOLVED IN THE INTERNAL REVIEW PROCESS?

- ***Metro Board of Directors:*** Approves the initiation of the AA, Draft EIS/EIR, and Final EIS/EIR. The Board also approves the alternatives to be considered in the Draft EIS/EIR and the recommended Locally Preferred Alternative. Following the publication of the Final EIS/EIR, the Board certifies the Final EIR and adopts the Locally Preferred Alternative. FTA approves the Final EIS.

- ***Chief Executive Officer (CEO):*** Primarily involved in the final approval of the AA, Draft EIS/EIR, and Final EIS/EIR prior to publication and presentation to the Board of Directors.

- ***Management Oversight:*** Responsible for reviewing and approving the AA and EIS/EIR documents before they are presented to the public as well as the purpose and need, evaluation criteria, alternatives considered, meeting announcements, and formal notices. Planning Executive Management consists of the Chief Planning Officer, Planning Senior Executive Officer, Executive Officer, and Deputy Executive Officer. The Management Oversight is deeply involved at key decision points, such as the AA recommendations and selection of alternatives to be carried in the Draft EIS/EIR; Draft EIS/EIR conclusions about project impacts and mitigation commitments; and responses to comments in the Final EIS/EIR. The Management

It is critical that the Metro Project Manager regularly communicates with Planning Executive Management from day one of the project process.

Oversight also plays a key role in the outreach to important stakeholders and approves all public notices.

■ *Key Internal Stakeholders*: Includes representatives from various Metro departments, including County Counsel, Engineering and Construction, Construction Relations, Civil Rights, Environmental Compliance, Metro Ridership Modeling, Regional Programming, Real Estate, and Metro Operations. The Key Internal Stakeholders meet quarterly. The Key Internal Stakeholders are also invited to regular Project Team meetings on an as-needed basis. The Key Internal Stakeholders are also responsible for reviewing and commenting on technical reports, including proposed mitigation measures, as appropriate for their disciplines.

■ *Metro Project Manager*: Leads both the Metro Project Team and consulting team throughout the early planning and environmental process. The Project Manager assumes ownership of the project and is responsible for day to day decision-making. The Metro Project Manager is responsible for scheduling quarterly and major milestones meetings with the Key Internal Stakeholders to provide project updates and request feedback on technical issues. It is highly recommended that Project Managers have prior experience in managing CEQA/NEPA transportation projects.

■ *Metro Project Team*: Comprised of the Metro Project Manager, Metro Planning Staff, Metro Community Relations, and the Consultant Team. This team is responsible for developing the AA, and for scoping, drafting and circulating the EIS/EIR – including the team's reviews of consultant deliverables. The Project Team is also responsible for all internal and external coordination. This includes coordinating interdisciplinary reviews, providing updates to Executive Management and Chief Planning Officer, and coordinating with key stakeholders. The team is also responsible for all outreach to the public and for coordination with other agencies and with Native American Tribes.

WHAT ARE THE ROLES AND RESPONSIBILITIES OF EACH REVIEWER?

The roles and responsibilities of the internal review process are presented in Table 1.

WHAT ARE THE KEY REVIEW POINTS IN THE INTERNAL REVIEW PROCESS?

Table 2 identifies the key review and coordination points for each step in the internal review process. The identified reviews must take place prior to the completion of each step (i.e. prior to the publication of the AA, Draft EIS/EIR,

and Final EIS/EIR, the Project Team, Key Internal Stakeholders, Management Oversight, and CEO must all provide their approval). Each reviewer must sign off that they completed their review before the environmental process can proceed to the next step.

Remember FTA must be involved at three key review points:

- Prior to the publication of the AA

- Prior to the publication of the Draft EIS/EIR

- Prior to the publication of the Final EIS/EIR

In addition to these key milestones, FTA may also wish to be involved at other points in the process as described in Section 3.2. The FTA reviews occur after the Metro internal reviews.

TABLE 1: METRO DEPARTMENTAL ROLES AND RESPONSIBILITIES

	Members	**Key Responsibilities**
Metro Board	• Metro Board of Directors	✓ Approves initiation of the AA, Draft EIS/EIR, and Final EIS/EIR ✓ Approves alternatives to be considered in the Draft EIS/EIR and recommended LPA ✓ Certifies Final EIR ✓ Adopts LPA
Chief Executive Officer	• Chief Executive Officer	✓ Provides final approval of AA, Draft EIS/EIR, and Final EIS/EIR ✓ Reviews alternatives to be considered in the Draft EIS/EIR and recommended LPA
Management Oversight	• Chief Planning Officer • Planning Senior Executive Officer • Planning Executive Officer • Planning Deputy Executive Officer	✓ Reviews Purpose and Need statement and alternatives under consideration in AA Study ✓ Reviews AA Study ✓ Reviews impacts and proposed mitigation measures identified in the Draft EIS/EIR and Final EIS/EIR ✓ Reviews financial feasibility ✓ Reviews issues raised by public and stakeholders and their resolution ✓ Approves Draft and Final EIS/EIR and all public notices
Key Internal Stakeholders	• County Counsel • Engineering and Construction • Community Relations • Civil Rights • Environmental Compliance • Metro Operations • Systemwide Planning • Real Estate/Joint Development	✓ Attends major milestone meetings on key topics to provide technical input ✓ Reviews Purpose and Need statement and alternatives under consideration in AA Study ✓ Reviews and comments on Technical Reports as appropriate ✓ Reviews impacts and proposed mitigation measures identified in the Draft EIS/EIR and Final EIS/EIR ✓ Reviews regular status reports from the Project Team
Project Team	• Metro Project Manager • Metro Planning Staff • Metro Community Relations • Consultant Team	✓ Prepares AA Study ✓ Prepares EIS/EIR ✓ Coordinates public and stakeholder outreach ✓ Coordinates public and stakeholder outreach ✓ Coordinates with FTA and Native American Tribes ✓ Meets weekly/bi-weekly7

TABLE 2: METRO KEY REVIEW POINTS

	Project Team	Key Internal Stakeholders	Management Oversight	CEO	Metro Board
Alternatives Analysis					
Purpose and Need and Evaluation Criteria*	✓	✓	✓		
Initial Alternatives Definition	✓	✓	✓		
Prepare Conceptual Drawings	✓	✓			
Alternatives Analysis Screening*	✓	✓	✓	✓	✓
NOI/NOP Scoping	✓		✓		
Documentation of Community Issues and Concerns	✓				
Prepare Advanced Conceptual Drawings	✓	✓	✓		
Preparation of Environmental Technical Reports	✓	✓	✓		
Internal Metro Review of Draft Impacts and Mitigation Measures	✓	✓	✓		
Publication of Draft EIS/EIR and NOC/NOA*	✓	✓	✓		
Board Action/LPA Decision	✓		✓	✓	✓
Responses to Comments on Draft EIS/EIR	✓	✓			
Changes/Refinements to Project	✓	✓	✓		
Preparation of Final EIS/EIR	✓	✓			
Internal Metro Review of Final Impacts and Mitigation Measures	✓	✓	✓		
Publication of Final EIS/EIR and notices*	✓	✓	✓	✓	
Certification of a Final EIR and LPA Adoption	✓		✓	✓	✓
Record of Decision/Notice of Determination	✓		✓	✓	

*FTA Coordination/Review Required. Refer to Section 3.2.

How are Impacts and Mitigation Measures Reviewed?

One of the critically important components of the EIS/EIR are the mitigation measures, which are legally binding commitments. Therefore, it is crucial that the mitigation measures undergo a rigorous internal review process. Figure 2 depicts the Metro Internal Review Process for Impacts and Mitigation Measures.

During the process of drafting the EIS/EIR, the Metro Project Team identifies all impacts resulting from the construction and operation of the project. For each impact, the Metro Project Team, with input from the Key Internal Stakeholders, determines whether the impact is significant (including what thresholds are used) and requires mitigation. If so, the Project Team determines if there are feasible mitigation measures that will lessen the severity of the impact and whether those feasible mitigation measures will be included as proposed commitments. The Management Oversight then reviews all impacts and associated mitigations to ensure they are directly related to project-specific impacts, and that these measures are reasonable, feasible, and consistent. Following the review, the Metro Project Team refines the impacts and mitigations based on comments.

Then, the Project Manager presents this information to Management Oversight, who have the final sign-off on all mitigation measures.

It is essential to come to an agreement across departments prior to the finalization of the mitigation measures to ensure that the mitigations are directly related to project impacts, and are reasonable, feasible, and consistent.

What are the Timeframes for the Review Process?

To accommodate the necessary reviews into the project timeline, the Project Manager needs to consider both the complexity and volume of the document submitted for review. Typically, the reviews, which will take place consecutively, will range as follows:

Key Internal Stakeholders 5-12 days

Management Oversight   14 days since it involves scheduling the presentation on the Executive Management's calendar

Remember to provide for the likelihood of longer review times for complex and voluminous deliverables in the project schedule.

FIGURE 2: INTERNAL REVIEW PROCESS FOR IMPACTS AND MITIGATION MEASURES

Step 1: Identify Impacts

Metro Project Team, with input from the Key Internal Stakeholders, clearly defines and describes the project's direct, indirect, and cumulative impacts.

Step 2: Develop Mitigation Measures

The Metro Project Team, with input from the Key Internal Stakeholders, develops feasible measures to mitigate the identified substantial/significant adverse impacts.

Step 3: Submit for Review to Key Internal Stakeholders

Key Internal Stakeholders review and provide input about the impacts and proposed mitigation measures.

Step 4: Finalize Mitigation Measures

Metro Project Team finalizes mitigation measures based on feedback received from Key Internal Stakeholders.

Step 5: Obtain Approval from Management Oversight

Management Oversight reviews and approves final impacts and mitigation measures prior to submittal to FTA and prior to publication of Draft and Final EIS/EIR.

3.2 FTA Coordination and Review

WHY IS FTA COORDINATION REQUIRED?

As the lead federal agency for Metro projects, close coordination with the local FTA office is critical. FTA is responsible for NEPA compliance and review. The FTA Region 9 Regional Administrator's signature is required on both the Draft EIS/EIR and the Final EIS/EIR prior to publication following confirmation via letter or email from Metro's County Counsel affirming that the document has been reviewed. FTA is also responsible for Section 106 and Section 4(f) consultation, including tribal consultation.

WHEN IS FTA COORDINATION NECESSARY?

As shown in Figure 3, FTA coordination is necessary throughout the environmental process, but is especially important at the following points and processes:

- Review of Purpose and Need statement, evaluation criteria, and preliminary alternatives prior to initiation of public outreach

- Review of alternatives to be carried into the Draft EIS/EIR

- Publication of NOI in Federal Register

- Section 106 and Section 4(f) consultation process

- Review of Draft EIS/EIR prior to publication

- Publication of NOA in Federal Register

- Review of Responses to Comments on the Draft EIS/EIR

- Review of Final EIS/EIR prior to publication

- Publication of NOA in Federal Register

- Record of Decision

FTA coordination is required when preparing joint NEPA/CEQA documents. FTA coordination is <u>strongly encouraged</u> when preparing CEQA-only documents (most notably in the Purpose and Need; evaluation criteria, and initial alternatives to be studied). Conferring with the FTA on CEQA-only documents allows for an opportunity to obtain valuable input that may ultimately expedite the NEPA process in the event that federal funding materializes for the project.

WHAT ARE THE EARLY COORDINATION STEPS?

During the Early Planning/AA process, the Metro Project Manager, along with Management Oversight, should arrange regular meetings with local FTA staff to keep them apprised of the project. Although FTA involvement in the AA phase is no longer required, Metro briefs FTA at these key points during Early Planning/AA: (1) the project Purpose Need and evaluation criteria, (2) preliminary alternatives, and (3) alternatives recommended to be carried into the Draft EIS/EIR.

HOW DOES FTA REVIEW NOTICES?

All formal notices pertaining to the EIS must be reviewed, approved, and published by FTA. Refer to Section 4.6 of the Guide for an overview of the noticing processes and FTA review of these notices.

HOW DOES FTA REVIEW THE EIS?

Although Metro works closely with FTA throughout the planning and environmental process, FTA is most involved with the review of the Draft EIS/EIR and Final EIS/EIR prior to publication of the documents. It is not unusual for the Draft EIS/EIR and Final EIS/EIR documents, and accompanying technical reports, to undergo several rounds of FTA review prior to publication. Be sure to accommodate sufficient time in the project schedule for multiple rounds of FTA review. Allow for up to six weeks for each round of FTA review of the Draft EIS/EIR or Final EIS/EIR. The local FTA staff will serve as the primary point of contact for these reviews.

WHEN DOES FTA BEGIN SECTION 106 AND SECTION 4(f) COORDINATION?

One of the key roles of FTA during the environmental process is leading the Section 106 and Section 4(f) consultation process, which requires coordination with SHPO and agencies affected by the project. The Section 106 and Section 4(f) consultation process begins at the initiation of the Draft EIS/EIR and continues through the Final EIS/EIR. If the Section 106 or Section 4(f) process requires a Memorandum of Agreement (MOA), FTA will lead the coordination through the finalization of such an agreement.

New!

Update – June 2018
Confirm with FTA whether review notices should be transmitted on FTA letterhead.

Remember to account for multiple rounds of FTA review in the project schedule.

FIGURE 3: FTA COORDINATION AND REVIEW

- Metro coordinates with FTA during Early Planning/AA, including providing briefings on:
    - o Purpose and Need
    - o Evaluation Criteria
    - o Initial Alternatives
    - o Alternatives carried into the Draft EIS/EIR

- FTA reviews and approves NOI

- FTA initiates Section 106 and Section 4(f) Consultation Process

- FTA reviews and approves Draft EIS

- FTA reviews and approves NOA

- FTA reviews responses to comments on Draft EIS

- FTA finalizes and executes MOAs (if any)

- FTA reviews and approves Final EIS

- FTA finalizes ROD

3.3 Deliverables Review Process

WHAT IS THE PURPOSE OF REVIEWING TECHNICAL DOCUMENTS AND REPORTS?

During the environmental process, Project Managers will receive multiple technical documents and reports from the consultant team for the project (see Section 8.1 for a list of technical reports). These documents tend to be very detailed, and it is the Project Manager's responsibility to review them to ensure that reports are accurate and consistent with the project definition. The Project Manager is also responsible for soliciting comments and feedback from Key Internal Stakeholders, compiling them, and submitting them back to the consultant team to be addressed.

HOW ARE REVIEW COMMENTS AND CHANGES DOCUMENTED?

All recommended changes, revisions, and comments need to be documented on the designated comment sheet.

The comment sheet should include:

- Comment number

- Section/Page Number in Report

- Comment

- Response Section (for consultant use)

- Final Disposition (check consultant response)

See the Guide Appendix for an example of a comment sheet.

WHO REVIEWS DELIVERABLES?

Technical reports and documents, along with a blank comment sheet, should be distributed to the Project Team and Key Internal Stakeholders as appropriate. For example, the Construction Relations group should review the Construction Impacts Technical Report, but might not need to be involved in the review of the Ecosystems/Biological Resources Report.

WHAT IS A REASONABLE REVIEW PERIOD?

Project Managers should provide the Project Team and Key Internal Stakeholders with approximately five days for feedback and revisions. Timeframes and deadlines should be established between the consultant and Project Manager at the outset of the project.

New!

Update – June 2018
Include the Construction Team to review the means and methods of construction.

WHAT HAPPENS ONCE ALL INTERNAL REVIEW COMMENTS HAVE BEEN RECEIVED?

Make sure internal Metro comments are consistent and do not provide conflicting direction.

After comment sheets are received from all reviewers, the Project Manager is responsible for reviewing and combining all comments into one aggregate comment sheet that will be given to the consultant. During this review, the Project Manager should check that comments from different reviewers are not redundant or do not conflict with one another. If there are any conflicting comments from the internal review, the Project Manager should coordinate with Management Oversight and the specific reviewers to resolve the issue before comments are returned to the consultant for incorporation.

Once the comments are sent to the consultant, it is recommended to schedule a call or meeting to clarify any comments. This brief meeting can eliminate back and forth if there is confusion about how to address a comment.

WHAT IS THE PROCESS *AFTER* THE CONSULTANT ADDRESSES THE COMMENTS?

The consultant team will resubmit the revised copy of the technical report along with their responses on the comment sheet. At this point, the Project Manager will review the updates and back-check against comments to ensure that all comments were addressed appropriately. If there are any outstanding issues, the report will be sent back to consultant to revise.

3.4 Metro Board Report Preparation Process

WHAT IS THE PURPOSE OF A METRO BOARD REPORT?

The Board Report provides a concise, yet informative, overview of the issues and major considerations, including alternatives, financial impacts, issues, next steps, staff recommendations, and other applicable details of a particular project.

WHEN SHOULD A BOARD REPORT BE PREPARED?

Generally a Board Report only needs to be prepared when an action is required on the project. Board actions include:

- Selection of alternatives to be carried into the Draft EIS/EIR
- Selection of the LPA
- Certification of the Final EIR

When an action on the project is required, the Project Manager should prepare a Board Report. Management Oversight must review and approve the Board Report before it can be uploaded to Legistar.

If the Board requests monthly status updates on high-profile or controversial projects, the Project Manager should seek direction from Management Oversight on the best course of action and be available at the monthly Board meetings to answer questions as necessary.

WHAT ITEMS SHOULD BE INCLUDED IN A BOARD REPORT?

The Board Report should include the following sections and items:

- **Recommendation** – present the staff recommendation for the Board to take action.

- **Issue** – briefly summarize the issues under consideration.

- **Discussion** – provide justification for the staff recommendation.

- **Alternatives/Options** – summarize the alternatives and options to the staff recommendation and the trade-offs.

- **Determination of Safety Impacts** – assessment of impact (if any) to the safety of Metro customers and employees.

- **Financial Impact** – identify the financial implications for Metro as an agency.

- **Impact to Budget** – identify funding sources and what other sources, if any, were considered.

- **Next Steps** – present the next steps in the project planning process.

- **Attachments** – attach any supporting documentation, such as executive summaries or maps.

An example of a Metro Board Report is provided in the Appendix of the Guide.

WHO REVIEWS AND APPROVES THE BOARD REPORT?

The Project Manager is responsible for preparing the Board Report, in coordination with Management Oversight. Prior to being submitted to the Board, the Board Report needs to be reviewed and approved by:

- Planning Director
- Deputy Executive Officer
- Executive Officer

- Senior Executive Officer
- Office of Management and Budget
- Chief Planning Officer
- Chief Executive Officer

3.5 Project Manager Review Process Checklist

EARLY PLANNING/AA STUDY

☐ Identify the Key Internal Stakeholders for the project at the inception.

☐ Schedule and hold weekly/bi-weekly Project Team meetings.

☐ Schedule and hold major milestone meetings with the Key Internal Stakeholders.

☐ Submit Purpose and Need, evaluation criteria, and preliminary alternatives to Management Oversight for approval.

☐ Share the Purpose and Need, evaluation criteria, and preliminary alternatives with FTA (even when preparing a CEQA-only document).

☐ Submit alternatives recommended to be carried into the Draft EIS/EIR to Management Oversight for their approval.

☐ Share the alternatives recommended to be carried into the Draft EIS/EIR with FTA (even when preparing a CEQA-only document).

☐ Submit findings of AA to the CEO for final approval.

☐ Prepare Board Report and present findings of AA to the Metro Board of Directors for their approval of alternatives to be carried into the Draft EIS/EIR.

DRAFT EIS/EIR

☐ Schedule and hold weekly/bi-weekly Project Team meetings.

☐ Schedule and hold major milestone meetings with the Key Internal Stakeholders.

☐ Submit NOI for FTA approval.

☐ Submit NOP for Management Oversight review and approval

☐ Review technical reports and consultant team deliverables with input from Key Internal Stakeholders.

☐ Work with Project Team and Key Internal Stakeholders to identify impacts and develop mitigation measures.

☐ Submit identified impacts and proposed mitigation measures to Key Internal Stakeholders for review.

☐ Finalize mitigation measures based on feedback received from Key Internal Stakeholders.

☐ Obtain final approval from Management Oversight of impacts and mitigation measures.

☐ Submit Draft EIS/EIR to FTA for review and approval.

☐ Submit Draft EIS/EIR to the CEO for final approval.

☐ Prepare Board Report and present findings of Draft EIS/EIR to the Metro Board and recommended LPA for their selection.

Final EIS/EIR

☐ Schedule and hold weekly/bi-weekly Project Team meetings.

☐ Schedule and hold major milestone meetings with the Key Internal Stakeholders.

☐ Share any changes/refinements to the project with Management Oversight.

☐ Submit responses to comments on the Draft EIS/EIR to Management Oversight.

☐ Finalize responses to comments based on input received from Management Oversight.

☐ Submit responses to comments on the Draft EIS/EIR with FTA for their review.

☐ Submit Final EIS/EIR to Key Internal Stakeholders for review.

☐ Finalize EIS/EIR based on feedback received from Key Internal Stakeholders.

☐ Obtain final approval from Management Oversight for Final EIS/EIR.

☐ Submit Final EIS/EIR to FTA for review and approval.

☐ Coordinate with County Counsel to prepare legal sufficiency letter for Draft and Final EIS for FTA approval.

☐ Submit Final EIS/EIR to the CEO for final approval.

☐ Prepare Board Report and present findings of Final EIS/EIR to the Metro Board to certify the Final EIR and adopt the LPA.

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4 OUTREACH, COORDINATION, CONSULTATION, AND NOTICING

WHY INVOLVE THE PUBLIC, PUBLIC AGENCIES, AND TRIBAL GOVERNMENTS?

Public and agency participation and tribal consultation is a fundamental principle, as well as a requirement, of NEPA, CEQA, and other federal and state laws and regulations.

The primary purpose of these laws and regulations is to provide meaningful opportunities for public, agency, and Native American tribes to participate and provide input into project planning and development. It is also an integral part of Metro's planning and environmental process in order to meaningfully inform the development and decisions of Metro projects.

The public and community outreach, agency coordination, and tribal consultations are the three parts of the overall outreach process. All three parts are carried out at the same time, i.e. concurrently.

Metro has its own departmental/state requirements as does the FTA under Section 106. These requirements are often confusing because Section 106

WHEN DOES PUBLIC, AGENCY, AND TRIBAL PARTICIPATION BEGIN AND WHEN DOES IT END?

Public and community outreach, agency coordination, and tribal consultations begin at the Early Planning/AA phase. During this phase of the project, it is known as "Early Scoping". The FTA leads the early scoping for the EIS, while Metro leads the effort for early scoping for the EIR. It is crucial that any efforts involved with early scoping are conducted carefully and respectfully.

The process continues as "Formal Scoping" in the Draft EIS/EIR stage, and continues through the completion of the Final EIS/EIR and project approval. The public and community outreach continues throughout project's construction.

Remember to document all aspects of the public participation process, since it is an important part of the Administrative Record.

4.1 Public Participation Overview

The goals of Metro's public and community participation and involvement are to:

- Encourage participation by a broad and diverse base of stakeholders, particularly underrepresented minority communities, in the planning and environmental process

- Educate stakeholders regarding the ongoing status of the project, and the project's potential environmental impacts

- Ensure that the process created for public input facilitates meaningful participation in the project planning/development process, especially for potentially impacted members of the community

- Document, log, and respond to the public's concerns regarding the project

- Ensure that the public's comments and issues are included and addressed in the environmental document

- Maximize public participation by providing multiple opportunities to meet and engage the public

WHO LEADS THE PUBLIC OUTREACH?

Each project is assigned a Community Relations lead who works closely with the Project Manager throughout the project. While the Community Relations lead is responsible for the day-to-day management of outreach activities, the Project Manager is ultimately responsible for ensuring that public outreach is being carried out successfully.

WHAT IS THE PUBLIC PARTICIPATION PLAN?

The Public Participation Plan is prepared at the outset of the project by the outreach consultant with overview and approval from Metro Community Relations and is unique to each project. The Public Participation Plan outlines the outreach strategies that will be used in identifying, contacting, and engaging communities and the public.

The plan must also identify how to best engage and communicate effectively with **low-income, Limited English Proficiency (LEP), and minority communities** through the identification of specific outreach methods that will be used to engage these stakeholders.

The Project Manager should work closely with the Community Relations lead to ensure the Public Participation Plan includes:

- Identification of community leaders, government and community-based organizations that can provide input on known barriers to communication with **low-income, LEP, and minority communities**

- Development of multi-lingual communication tools specific to the project area's communities

- Identification of means of electronic communications - including websites, web video, and social media - while considering individuals in low-income, minority, and LEP communities who may have limited access to computers

Thus, the project staff and consultants need to include bi-lingual expertise reflective of the communities in the project area. And throughout the process, informational materials, including all time-sensitive notifications, need to be distributed in as many languages as necessary to successfully communicate project information to the project area communities and the public.

How are Local Stakeholders Identified?

Metro maintains an extensive database of stakeholders throughout Los Angeles County. However, at the outset of the project, a **project-specific** list of stakeholders needs to be developed. In addition, persons, groups, and organizations that express an interest in the project should be given the opportunity to participate in the process, including partnering agencies or organizations, as well as groups, and individuals affected by or involved with transportation in the county and the surrounding region.

The stakeholder list is a living document that is individualized for each project and updated throughout the life of the project.

Table 3 provides examples of stakeholders who were engaged on past Metro projects. While these examples are unique to the specific past projects, they provide insight into the organizations included on the stakeholder list.

The Project Manager assists in identifying stakeholders, and the Community Relations lead has primary responsibility for developing the database of the stakeholders for the project.

TABLE 3: EXAMPLES OF PUBLIC PARTICIPATION PROCESS STAKEHOLDERS

Institutions	▪ Los Angeles County Museum of Art ▪ Los Angeles Public Library ▪ Museum of Contemporary Art
School Districts, Colleges, and Universities	▪ University of California, Los Angeles (UCLA) ▪ Beverly Hills Unified School District ▪ Los Angeles Unified School District ▪ Colburn School of Performing Arts
Chambers of Commerce and Business Groups	▪ Century City Chamber of Commerce ▪ Hollywood Park ▪ Little Tokyo Business Association/Business Improvement District
Neighborhood Groups, Neighborhood Councils, and Homeowner Associations	▪ Hancock Park Homeowners Association ▪ Westwood Community Council ▪ Mid-City West Neighborhood Council ▪ West Boulevard Block Club ▪ Crenshaw/Slauson Community Advisory Committee ▪ Ladera Heights Civic Association ▪ Little Tokyo Community Council ▪ Higgins Homeowners Association
Community Organizations	▪ Crenshaw Family YMCA ▪ Los Angeles Neighborhood Initiative (LANI) ▪ Big Brothers & Big Sisters of Greater Los Angeles
Religious Organizations/Faith Based	▪ Korean Presbyterian Church ▪ Sinai Temple ▪ All Saints Episcopal Church ▪ Higashi Honganji Buddhist Temple ▪ Cathedral of Our Lady of the Angels
Developers	▪ JMB Realty ▪ Johnson Development Corporation ▪ Brookfield Property Management
Interest Groups	▪ Move LA ▪ Westside Urban Forum ▪ Transit Coalition
Other	▪ Southern California Edison

WHAT IS A TECHNICAL/COMMUNITY ADVISORY COMMITTEE?

A Technical Advisory Committee (TAC) or Community Advisory Committee (CAC) encourages, facilitates, and engages the local stakeholders and communities in a dialog about the project. A TAC is typically comprised of City or local agency staff, while a CAC is primarily community stakeholders. Nearly all Metro projects involve TAC(s) or CAC(s) as part of the community and public participation process. The Community Relations lead is responsible for establishing the TAC(s) or CAC(s). A project may have one or several TACs or CACs depending on the specific issues and communities. For example, a different TAC or CAC may be established for each station area, for each segment of the project, or for a sensitive community/population or issue. As TACs and CACs are established reflective of the characteristics of the specific project, each project will have its own unique and different TACs and CACs.

TACs include representatives from the local cities or other agencies affected by the project. CACs are generally comprised of stakeholders who are representative of key community groups in the close vicinity of the project. They may include area residents and representatives of homeowner and residential associations, commercial property owners, area businesses, and key institutions. CAC membership is generally by invitation with input from city officials and staff. However, meetings are generally open to the public to ensure that the process remains transparent.

Metro holds meetings with TACs and CACs either on a regular schedule or ad hoc for specific issues. The format for the meetings varies based on the issues specific to the individual project. Often there are break-out sessions, which allow groups to discuss issue of importance to them directly with Metro representatives. TACs and CACs often provide input on topics related to station area design including access, streetscape, landscape, and design; potential project impacts; and input and opinions about potential mitigations.

The TAC or CAC may also focus primarily on a sensitive community or issue (for example the Little Tokyo community for the Regional Connector project). Working closely with sensitive communities allows for the development of a project definition that best meets the community's needs prior to the release of the Draft EIS/EIR. Working closely with the community during Early Planning/AA helps to ensure consideration of alternatives and issues important to the community and, thus, reduces the risk of having to introduce and evaluate new alternatives after the Draft EIS/EIR was circulated for public review.

At the onset, the Project Manager needs to clearly communicate to the project's TAC(s) and CAC(s) its role and responsibilities as an advisory body to Metro.

UPDATE – June 2018
TACs/CACs are not necessarily established for every project/study, and are just one of many tools and may or may no be appropriate in all cases. Further, each TAC/CAC likely different from others in terms of who would be involved, their charge, their areas/limits of responsibility, operating practices, etc. Whether to have a TAC, a CAC or some other formally established advisory body should be discussed as a part of the overall outreach strategy including the items mentioned above and the role of the technical and communications staff and consultants.

WHAT ARE SOME OF THE TOOLS AND METHODS TO OUTREACH TO THE PUBLIC AND COMMUNITIES?

The outreach methods and tools must be tailored to each project. Table 4 lists some of the typical outreach methods used on past Metro projects. The project's Community Relations lead is responsible for identifying the

appropriate tools, but the Project Manager should work closely with the Community Relations lead throughout the process.

TABLE 4: TYPICAL METRO OUTREACH TOOLS AND METHODS

Meetings	• Scoping meetings • Public hearings • Milestone meetings • Workshops and briefings • Area advisory committees and local advisory meetings • Telephone town halls
Noticing and Print Ads	• US Postal service • Email • Leaflets • Posters • Take-ones • Newsletters • Flyers • Display ads
Online Communications	• Metro project website • Metro's "The Source" and "El Pasajero" transit blogs • Facebook • Twitter • Project helpline • E-bulletins
Broadcast and Print Media	• Media alerts and releases • Press releases
Other	• Webinars • Simultaneous broadcast of meetings • YouTube videos • Project tours for area stakeholders

WHAT IS MEANINGFUL PUBLIC AND COMMUNITY PARTICIPATION AND ENGAGEMENT?

Meaningful participation means that Metro will:

- Work diligently to engage in a meaningful public dialogue with the communities impacted by the proposed project and the public

- Actively listen to public concerns

- Respond to their comments and concerns

- Incorporate their comments into the project decision-making process to the extent feasible

Meaningful public engagement means that the public had early, continuous, and multiple opportunities for comments and input into early planning/AA and throughout the EIS/EIR process. It does not mean that every issue or concern that was raised by the community or the public had to be resolved.

4.3 Agency Coordination Overview

At the initiation of the Early Planning/AA phase, the federal, state, and local agencies that may have approval, jurisdiction, or authority over the project or any of its components need to begin to be identified. This information then will be used in developing an Agency Coordination Plan for the project.

WHAT IS EARLY AGENCY COORDINATION?

Federal law (MAP-21, Section 1320) establishes a process for early coordination to avoid project delays, expedite the review process, and provide for better natural resource conservation. Early coordination is used to identify potential impacts to natural resources and consider ways to avoid and minimize potential environmental impacts from transportation activities. This early coordination provides for more efficiency as planning efforts are carried into the project delivery and environmental permitting phases. This approach aims to:

- Improve resource agency understanding of transportation projects at an early planning stage and throughout the project development

- Improve the project proponent's understanding of environmental regulatory requirements

- Serve the transportation needs of the community

- Improve transportation decision-making

- Reduce time and costs to implement transportation improvements

- Obtain broader, landscape level conservation.

As part of this coordination, the law provides that the lead agency may establish Memoranda of Agreement (MOA) with project sponsors, state, and local governments, and any other appropriate entities to accomplish the early coordination.

WHAT IS THE AGENCY COORDINATION PLAN?

Metro is considered the Lead Agency for CEQA (EIR), and FTA is considered the Lead Agency for NEPA (EIS).

An Agency Coordination Plan establishes a formal plan for agency participation and comment during the EIS/EIR process and is written at the outset of the Draft EIS/EIR phase. The lead agency must identify as early as practicable any federal, state, and local agencies that may have an interest in the project, and invite such agencies to become participating agencies in the EIS/EIR environmental review process. The Agency Coordination Plan needs to be reviewed and approved by FTA. The initial Agency Coordination Plan should be updated as additional participating agencies are identified or the complexity of the issues becomes clearer.

The Agency Coordination Plan should:

- Identify cooperating and participating agencies under NEPA

- Identify responsible and trustee agencies under CEQA

- Establish how Metro divided the responsibilities for compliance with the various aspects of the environmental review process

- Identify how Metro will provide the opportunities for input from the agencies in accordance with applicable laws, regulations, and policies

- Identify key coordination points with the agencies

- Establish a schedule of regular meetings

Begin discussions with potential coordinating and participating agencies at the early planning/AA phase, prior to initiating formal scoping for the Draft EIS/EIR.

NEPA and CEQA encourage the streamlining and integrating the EIS/EIR processes with a concurrent analysis of other relevant federal and state laws. To that end, an Agency Coordination Plan should also:

- Identify other laws with which the project must comply

- Include consultations with the appropriate regulatory agencies

- Address the need for Memoranda of Understanding (MOU) or MOA with these regulatory agencies

A copy of all invitations should be saved for records.

- Include conducting ongoing and coordinated review with the agencies

HOW ARE AGENCIES IDENTIFIED?

As part of the environmental review process, Metro, in coordination with FTA, must identify as early as practicable any other federal or non-federal agencies that may have an interest in the project. The Agency Coordination Plan identifies cooperating and participating agencies under NEPA as well as responsible and trustee agencies under CEQA. Table 5 provides the definition for cooperating, participating, responsible, and trustee agencies. As shown, the role of a cooperating agency under NEPA is broader than that of a responsible agency under CEQA. A cooperating agency is expected to actively participate in the preparation and approval of the joint EIS/EIR, whereas a responsible agency's involvement could be limited to providing comments on the document.

Document both early coordination and formal coordination efforts and results in scoping reports.

Participating agency letters of invitation must be mailed at the onset of formal scoping which takes place at the start of the Draft EIS/EIR stage. The Metro Project Team drafts the letters. Sample letters are provided in Section 11.7 of the Guide. Either the Metro Project Team or FTA sends the letters to identified agencies via registered mail.

TABLE 5: AGENCY PARTICIPATION DEFINITIONS

NEPA	CEQA
Cooperating Agency • Any federal agency other than the Lead Agency (FTA) that has discretionary authority over the project • All cooperating agencies are also participating agencies	**Responsible Agency** • A state or local agency other than the Lead Agency (Metro) that has a legal responsibility for carrying out or approving a project
Participating Agency • Any federal or non-federal agency (state, tribal, regional, and local government agency) that may have an interest in the project	**Trustee Agency** • An agency other than the Lead Agency (Metro) that has jurisdiction over certain resources held in trust for the state and/or federal government

4.4 Tribal Consultation Overview

Federal law requires consultation with federally-recognized tribes (Section 106), and FTA initiates consultation with Native American groups as the lead agency. Under AB 52, California State law requires consultation with California tribes, regardless of whether or not they are federally-recognized. The Native American Heritage Commission (NAHC) assists lead agencies in identifying the California tribes traditionally and culturally affiliated with a project area. Metro may initiate AB 52 consultation prior to FTA's involvement in tribal consultation pursuant to Section 106 requirements.

The State law (AB 52) is far reaching and provides a comprehensive framework and requirements for tribal consultations. The key elements of Tribal Consultation process include:

- Requirement to notify early and, if requested by the tribe, consult with California Native American Tribes on the NAHC List

- Requirement to consider:

  - Whether a project may cause a substantial adverse change in the significance of a Tribal Cultural Resource (TCR)

  - Tribal cultural values in determining: type of environmental document to prepare, impacts, and mitigation

Begin to build relationship with tribes prior to project initiation.

For meaningful consultation, Project Managers should remember that an effective tribal consultation:

- Is an ongoing process, not a single event

- Focuses on identifying issues of concern to tribes pertinent to the cultural place(s) at issue – including cultural values, religious beliefs, traditional practices, and laws protecting California Native American cultural sites

- Results in defining the full range of acceptable ways that can accommodate tribal concerns

The steps of the tribal consultation are described in Table 6. Consultations should be conducted separately with each tribe, i.e. with one tribe at a time. For these consultations:

- Devise a protocol, agreements, and/or definitions

- Make clear any rules, processes, schedules, or goals of the consultation

- Strive for consistency of the team involved in consultation

■ Define terms and topics for consultation

All consultations must include a continued legal duty to keep certain information confidential, such as location, description and use of TCRs. Consultation must also recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance.

Refer to Chapter 10 of the Guide for further information about the tribal consultation process.

Even if there is no consultation, or consultation is concluded without agreement, Metro must consider feasible mitigation for any impacts to tribal cultural resources.

Incorporate recommended mitigation into the mitigation, monitoring and reporting program to make them fully enforceable.

TABLE 6: STEPS IN TRIBAL CONSULTATION PROCESS

Step 1	▪ Look for a written request from the tribe(s) requesting formal notification of projects in their traditionally and culturally affiliated geographic areas
Step 2	▪ Provide tribe(s) with notice of a proposed project within 14 days after deciding to undertake the project, i.e. at the very beginning of Early Planning/AA phase ▪ Written notice must include a brief project description, the project location, the Metro contact, and state that the tribe has 30 days to request consultation
Step 3	▪ Look for written response from tribe(s), which must be sent within 30 days of Metro's notice ▪ If no response is received within 30 days, no consultation needs to occur
Step 4	▪ Initiate consultation process with tribe(s) within 30 days if consultation request from the tribe(s) is received within 30 days of the written request
Step 5	▪ Consult with tribe(s) in good faith, allowing tribe(s) the opportunity to propose early mitigation and alternatives that avoid or substantially lessen significant impacts to tribal cultural resources

Step 6	▪ Conclude consultation when either:
	  ○ Agreement is reached regarding avoidance or mitigation of any significant effect on a tribal cultural resource
	  ○ A party concludes in good faith, after "reasonable effort," that agreement cannot be reached

Step 7	▪ Recommend inclusion of any mitigation measures agreed upon in the consultation

Step 8	▪ An EIR that identifies a significant impact on a tribal cultural resource can only be certified if:
	  ○ Consultation between the tribe and the lead agency has occurred and has concluded
	  ○ Consultation was requested but tribe fails to provide comments or otherwise fails to engage in the consultation process
	  ○ Metro sent the initial notice and the tribe does not request consultation within 30 days

s	▪ Complete findings and conditions of approval, including tribal cultural resources mitigations

4.5 Public Participation Milestones

WHAT IS EARLY SCOPING?

Early scoping for Metro projects occurs during the Early Planning/AA phase. Engaging in early scoping activities helps to define and potentially resolve project issues, and helps to identify an appropriate range of feasible alternatives to be carried into the EIS/EIR. Unlike formal scoping, early scoping is not required under NEPA or CEQA, but is strongly encouraged to aid in the development of the project definition, which in turn will help to streamline the EIS/EIR process.

If a combined AA/Draft EIS/EIR is being prepared, Early Scoping is not necessary.

WHAT ARE THE EARLY SCOPING STEPS?

The Metro Project Manager should work closely with the Community Relations lead in conducting early scoping, including to:

- Identify project stakeholders, agencies and jurisdictions, and Native American tribes

- Conduct early scoping meetings with agencies and jurisdictions

- Start consultation with Native American tribes

- Prepare and distributing public notices of meetings

- Hold public early scoping meetings

- Engage local media

- Conduct follow-up with community groups and agencies

- Summarize comments in an Early Scoping Report

Comments and issues raised at the early scoping meetings are then used in defining a range of alternatives to be carried into the Draft EIS/EIR analysis.

WHAT IS FORMAL SCOPING?

Similar to early scoping, formal scoping is a process to help determine scope and significant issues at the outset of the Draft EIS/EIR preparation. Scoping is also the point at which Metro must work with FTA to reach out to potential cooperating and participating agencies to formally invite them to participate in the NEPA process. The primary objectives of scoping include:

- Invite agencies to participate via formal invitation letters

- Determine scope and significant issues

- Identify and eliminate issues determined to be insignificant

- Allocate assignments among agencies

- Identify related environmental documents being prepared

- Identify other environmental review and consultation requirements

The results of the early scoping are used to refine the project description, as applicable.

WHAT ARE THE FORMAL SCOPING STEPS?

The major steps of formal scoping include:

- Publish the NOI in Federal Register

- File the NOP with State Clearinghouse

- Work with FTA to invite cooperating and participating agencies

- Conduct scoping meetings with agencies and jurisdictions

- Update stakeholders list

- Prepare and distributing public notices of meetings to stakeholders and the public

- Conduct media and blog outreach

- Conduct follow-up with community groups and agencies

- Hold public scoping meetings

- Summarize comments in a Scoping Report

The Scoping Report will be included in the Administrative Record, as well as in the Draft EIS/EIR. The Scoping Report should include:

- Public outreach techniques

- List of stakeholders

- Overview of meeting presentations

- Summary of comments received, including identification of major issues and concerns raised by public

How Does Metro Prepare the Draft EIS/EIR for Review by the Public, Agencies, and Tribes?

Upon the completion of the Draft EIS/EIR, Metro must:

- Prepare Notice of Availability (NOA) and Notice of Completion (NOC)

- File the NOC with State Clearinghouse

- Ensure that NOA is published in Federal Register

- Prepare materials with the Project Consultant and Public Outreach staff to be presented at public hearings (boards, maps, handouts, etc.)

- Prepare notices for public hearings, to include, at a minimum: project description; project location; date, time and place of public hearing(s); address where comments can be sent; and deadline for making comments

- Distribute and publish notices for public hearings

- Hold public hearings allowing the public to officially comment

The public review period for the Draft EIS/EIR is required to be a minimum of 45 days, but the review period is often extended to 60 days.

Public, agency, and tribal comments are responded to in the Final EIS/EIR. While NEPA/CEQA do not provide specific means to which comments should be replied, Metro typically provides a response for every comment, developing standardized responses, where appropriate, that address similar comments and themes.

How Does Metro Prepare the Final EIS/EIR for Public Review?

Upon the completion of the Final EIS/EIR, Metro must:

- Prepare and file the NOD with State Clearinghouse

- Transmit written response to comments made on the Draft EIR so that they are received by each public agency at least 10 days prior to the Metro Board's action on the project

- Prepare draft Record of Decision (ROD) for FTA, which should include:

  - Statement explaining the decision

  - Explanation of alternatives considered but rejected

Refer to Section 4.6 for more details on the noticing process.

The NOA must be submitted to FTA for review and approval. The NOA must be sent at the same time as a NOC is sent to the State Clearinghouse. FTA publishes NOA in Federal Register one week after receipt.

Remember that a court reporter will be required to create a transcript of the Public Hearings.

CEQA requires the lead agency to file NOD within five days of a project's approval.

- Description of social, economic, and environmental elements that contributed to the Lead Agency's decision

- A summary of adopted mitigation measures and an explanation of those that were not adopted

- Development of a monitoring and enforcement mechanism that will ensure implementation of adopted mitigation measures

- FTA publishes ROD in Federal Register

For the Final EIS, FTA requires a minimum 30-day public review period. There is no formal comment period for the Final EIR. However, Metro will have an opportunity to address issues raised on the Final EIR, if any, before the Metro Board certifies the Final EIR and files the NOD, and before FTA issues the ROD.

HOW IS PROJECT OUTREACH TRANSITIONED TO CONSTRUCTION RELATIONS STAFF?

Following the approval of the project, the bulk of the public outreach responsibilities are transitioned to the Construction Relations group. The Construction Relations group is responsible for interacting with the community during the construction phase, including the implementation of the identified mitigation measures. **For a successful transition, the Project Manager needs to provide the Construction Relations group with a single document listing all final approved mitigation measures for the project.**

The Project Manager may be called upon by the Metro Construction staff to consult with them about issues that arose during preparation of the Draft EIS/EIR and Final EIS/EIR, and to assist Construction staff in implementing mitigation measures and coordinating with the public during construction activities.

4.6 Public Notices

INITIATION OF DRAFT EIS/EIR

WHAT IS AN NOI/NOP?

The Notice of Intent (NOI) for the Draft EIS is required under NEPA and the Notice of Preparation (NOP) of the Draft EIR is required under CEQA. The purpose of the NOI and NOP is to:

- Alert the public that an EIS/EIR will be prepared

- Notify that scoping meetings will be conducted to identify potential environmental impacts

- Indicate that the Lead Agency is looking for input from the public on potential issues and alternatives

The publication of the NOI/NOP begins the formal scoping period under CEQA and NEPA.

HOW IS THE NOI/NOP PREPARED AND WHAT IS THE TIMELINE?

The project consultant team is typically responsible for drafting the NOI/NOP. The Metro Project Manager and Project Team are responsible for initiating and completing internal review and approval of the NOI/NOP, and for properly distributing the NOI/NOP.

NOI: The NOI is prepared in consultation with FTA. The NOI follows a similar structure to the NOP and at a minimum should include:

- Lead agency (FTA)

- Action

- Summary

- Proposed action and alternatives

- Scoping process

The NOI must be reviewed by Metro Executive Management and FTA prior to publication in the *Federal Register*. Be sure to account for FTA review of NOI in the project schedule.

NOP: At a minimum, the NOP should include the following:

- Project location, project map, and environmental setting

- Project initiation

Remember to account for FTA review of the NOI in the project schedule.

- Project objectives

- Project description

- Probable environmental effects

- Scoping meeting(s) dates, times, and locations

- Comment due date

- Point of contact with mailing address

The NOP must be reviewed by Metro Executive Management prior to publication.

Figure 4 provides the timeline for preparation and distribution of the NOI/NOP. The publication of the NOI should be coordinated to occur at the same time as the distribution of the NOP. Both should be distributed prior to the scoping meetings.

A sample NOI/NOP is provided in the Appendix of the Guide, Section 11.1.

FIGURE 4: NOI/NOP TIMELINE
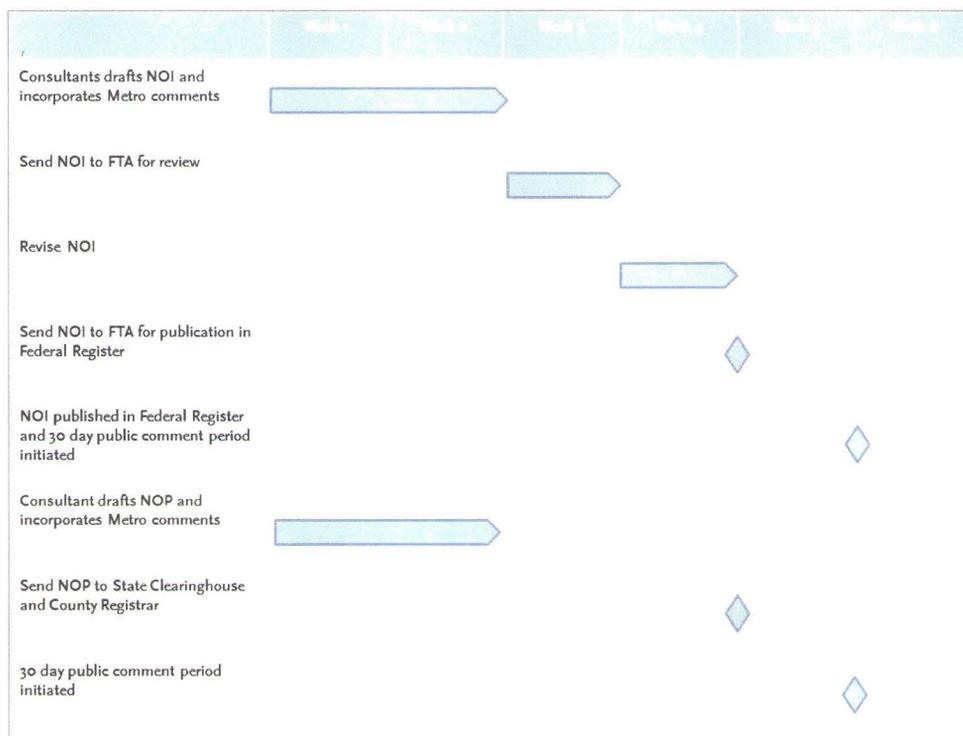
HOW IS THE NOI/NOP DISTRIBUTED AND TO WHOM?

NOI: FTA is responsible for publishing the NOI in the Federal Register as early as possible after it is known that an EIS will be prepared. The final NOI must be sent to FTA for inclusion in the Federal Register the week prior to scheduled publication. For example, if the NOI is to appear in the March 27 in the Federal Register, Metro must send the NOI to FTA no later than March 20.

NOP: Metro is responsible for distributing the NOP to the State Clearinghouse and the Los Angeles County Clerk. The NOP should also be mailed via certified mail to potential responsible and trustee agencies and other interested stakeholders identified through the public participation process, as appropriate.

- **State Clearinghouse**: send 15 hardcopies of NOP. Allow for three working days from the date of receipt to start the state review period.

- **Los Angeles County Clerk:** send or deliver two copies of NOP plus filing fee for posting of the NOP. It is recommended to provide the Clerk's office a copy of the NOP with an original signature.

- **Responsible and Trustee Agencies:** send one copy of NOP to each identified responsible and trustee agency.

The NOI/NOP must also be published in local papers. The Project Manager should work with the Community Relations lead to identify the appropriate local papers that serve the project area. Multi-lingual publications should be included as appropriate. To publish the notices, the Project Manager should:

- Confirm your cost center has budget for advertising

- Complete the Public Notice Advertisement Request

- Send the request, along with confirmation of budget availability, to Gaby Maul-Crumby at Metro-Contract Support/Client Services

- Request must be submitted seven days prior to the run date, or ten days prior to the run date for notices needing translation

WHAT IS THE PROCESS FOR RESPONDING TO NOI/NOP?

Responsible and trustee agencies are required by CEQA to provide a response to the NOP within 30 days after receipt of notice. When a state agency comments on a NOP, the original comment letter must be sent directly to the Lead Agency (Metro) and a copy to the State Clearinghouse. If no response is provided within that time period, Metro can assume that no response will be coming from that agency.

COMPLETION OF DRAFT EIS/EIR

WHAT IS THE NOA/NOC?

The Notice of Availability (NOA) of the Draft EIS is required under NEPA. The Notice of Completion (NOC) of the Draft EIR and the Notice of Availability the Draft EIR (NOA) are required under CEQA.

The purpose of the NOA is to:

- Alert the public the Draft EIS/EIR is available for public review

- Notify that public hearings will be conducted

- Indicate that Lead Agency is looking for comments from the public on the sufficiency of the document, particularly the sufficiency of the analyses

A sample NOA/NOC is provided in the Appendix of the Guide, Section 11.2.

HOW IS THE NOA/NOC PREPARED AND WHAT IS THE TIMELINE?

The project consultant team is typically responsible for drafting the NOA/NOC. The Metro Project Manager and Project Team are responsible for internal review and approval, and for distributing the NOA/NOC.

The NOA for the **Draft EIS** should include the following:

- Lead agency (FTA)

- Action

- Summary

- Public review period dates

- Public hearing(s) dates and locations

- Document location(s) for review

- Contact at FTA and Metro

The NOA for the Draft EIS must be reviewed by Metro Executive Management and FTA prior to publication in the *Federal Register*.

Public hearings will be held at different times and locations to maximize convenience for communities affected by the project.

The NOA for the **Draft EIR** should, at a minimum, include the following:

- Project description and location

- Identification of significant environmental impacts

- Review period and dates

- Public hearing(s) dates, times, and locations

- Document location(s) for review

- Identification of whether project site is a listed toxic site

The NOA for the Draft EIR must be reviewed by Metro Executive Management prior to publication in local newspaper(s) and posting at the County Clerk office.

The NOC for the Draft EIR is a standard form available through the State Clearinghouse website that Metro staff typically completes. The NOC includes the following:

- Project title

- Project location

- Document type

- Project issues discussed in document

- Project description

- Reviewing agencies checklist

Figure 5 summarizes the timeline for the preparation and distribution of the NOA/NOC.

FIGURE 5: NOA/NOC TIMELINE

HOW ARE THE NOA, NOC AND DRAFT EIS/EIR DISTRIBUTED?

FTA, as the lead federal agency, is responsible for coordinating with the Environmental Protection Agency (EPA) to publish the NOA in the Federal Register since all EISs must be formally filed with EPA. Each week, EPA publishes a notice in the Federal Register that lists the EISs received during the preceding week. The 45-day minimum time period for public review is calculated from the date of publication in the *Federal Register*. As part of the filing process, EPA ensures distribution of the Draft EIS, reviews the Draft EIS format and content, and acts on requests for review time modifications.

Metro is responsible for distributing the NOC to the State Clearinghouse. Metro must submit either 15 hardcopies of the entire Draft EIS/EIR plus one copy of the NOC, or 15 hardcopies of the executive summary and 15 CDs of entire document plus one copy of the NOC. Allow for three working days from

*The Federal Register is published on Friday of each week. To be included, the EPA must receive the Draft EIS a week before, or by the **preceding** Friday.*

the date of receipt to start the state review period and distribute the draft documents to state agencies for review and comment.

The submission of the Draft EIS/EIR to the State Clearinghouse begins the public review period. The minimum public review period is 45 days, but for many major projects the public review could be extended to 60 days.

Metro is also responsible for providing the NOA at the same time the NOC is submitted to the State Clearinghouse. The NOA must be:

- Posted in the Los Angeles County Clerk office

- Mailed to any organization or person who has filed a written request for notification with Metro

- Published in a newspaper of general circulation in the area affected by the project

The NOA should also be published in local newspapers. The Project Manager should work with the Community Relations lead to identify the appropriate publications that serve the project area. Multi-lingual publications should be included as appropriate. To publish the notices, the Project Manager should do the following:

- Confirm your cost center has budget for advertising

- Complete the Public Notice Advertisement Request

- Send the request, along with confirmation of budget availability, to Gaby Maul-Crumby at Metro-Contract Support/Client Services

- Request must be submitted seven days prior to the run date, or ten days prior to the run date for notices needing translation

HOW IS THE DRAFT EIS/EIR MADE AVAILABLE FOR PUBLIC REVIEW?

The comment period for public review is a minimum of 45 days, but may be extended to 60 days if warranted. During the review period, the Draft EIS/EIR should be made available to interested and concerned parties, including residents, property owners, community groups, the business community, as well as elected officials, and public agencies for comment.

The Draft EIS/EIR along with all technical reports must be made available on the Metro project website. The Draft EIS/EIR should also be made available in public libraries within the project study area, the Metro Library, and other repository sites as appropriate. CDs or DVDs of the Draft EIS/EIR should also be available for those who request them.

Public Review of the Draft EIS/EIR is a minimum of 45 days, but may be extended if deemed appropriate.

HOW ARE PUBLIC COMMENTS COLLECTED?

Metro typically collects comments via the following methods:

- U.S. Mail

- Email

- Comment form on website

- Oral or written comments at public hearings

The Metro Project Manager is responsible for collecting comments on the Draft EIS/EIR and distributing them to the Project Team to be addressed in the Final EIS/EIR.

Remember that a court reporter is required to create a transcript of each public hearing on the Draft EIS/EIR.

WHAT IS THE PROCESS FOR HOLDING PUBLIC HEARINGS?

Public hearings provide an opportunity for the public to provide oral or written comments on the Draft EIS/EIR. Public hearings should be held in the middle of the public review period, or three weeks after publication of the Draft EIS/EIR to allow reasonable time for the public and agencies to review the Draft EIS/EIR documents. Public hearings will be held at different times and locations to maximize convenience for communities affected by the project.

The transcripts from the public hearings are public record and need to be transcribed by a court reporter, which the Project Manager must include in the cost center budget. The Metro Project Manager is responsible for working with the project consultant team and Metro Community Relations to prepare materials for the public hearings (boards, maps, handouts, etc.) as well as scheduling the public hearings at dates and times that maximize public participation. The Community Relations lead is responsible for coordinating the public hearing logistics. The Project Manager is responsible for ensuring funds are budgeted in their respective cost center for the court reporter.

COMPLETION OF FINAL EIS/EIR

WHEN IS A FINAL EIS/EIR COMPLETED?

The Final EIS/EIR cannot be released to the public, or presented to the Metro Board of Directors, without FTA consent. To obtain FTA consent, the Project Manager needs to obtain a "legal sufficiency letter" from County Counsel. This letter is sent to FTA for their signature approval. Once the signature approval is obtained, the Final EIS/EIR can be released.

HOW IS THE FINAL EIR NOTICED?

Under CEQA, there is no requirement for noticing the Final EIR.

How is the Final EIS Noticed?

Under NEPA, FTA, as the lead federal agency, is responsible for coordinating with EPA to publish a Notice of Availability of the Final EIS in Federal Register. The Final EIS must be made available for 30 days prior to Metro taking action on the project. The Project Manager needs to work with the consultant team to prepare this notice for FTA review and approval.

While not required, FTA strongly encourages publishing this notice in public newspaper(s) as well. The Project Manager needs to coordinate with Metro Executive Management with regards to publishing this notice.

What is a NOD?

Under CEQA, the Notice of Determination (NOD) documents the approval of the project (which follows certification of the Final EIR) and indicates the start of the 30-day statute of limitations for CEQA litigation. Once the project has been approved by the Metro Board of Directors, Metro must file the NOD with the State Clearinghouse and Los Angeles County Clerk. The NOD must be filed within five working days of the project approval.

The NOD must be filed within five days of a project's approval.

The consultant team is typically responsible for preparing the NOD. The NOD form is available at the State Clearinghouse website and includes the following:

- Project name

- Project description and location

- Project approval date

- Statement of whether the project will have a significant effect on the environment

- Statement of whether mitigation measures were adopted as conditions of approval, a mitigation reporting or monitoring plan was adopted, Findings of Fact were made, and Statement of Overriding Considerations was adopted

- Document location(s) of the Final EIR

Figure 6 summarizes the timeline for preparing and filing the NOD. A sample NOD is provided in Section 11.2 of the Guide.

FIGURE 6: NOD TIMELINE

	Week 1	Week 2	Week 3	Week 4	Week 5
Consultant drafts NOD and incorporates Metro comments					
Metro Board certifies Final EIR					
Revised NOD if necessary					
File NOD and filing fee with County Registrar					
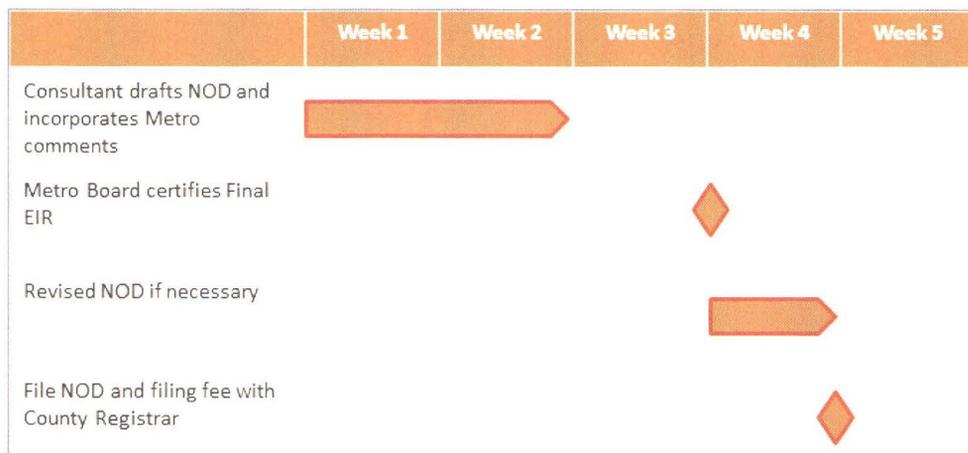
HOW IS THE NOD FILED?

Metro is responsible for filing the NOD with the State Clearinghouse and Los Angeles County Clerk. Filing the NOD triggers a 30-day statute of limitations for CEQA litigation. The County Clerk posts the NOD for 30 days, and Metro must retain the NOD in its files for one year.

At the time of filing the NOD, Metro is required to pay an environmental filing fee to the Department of Fish and Wildlife unless the project will have no effect on fish or wildlife. The filing fee should be paid to the Los Angeles County Clerk. The NOD cannot be posted without proof of payment of this filing fee, or without a "no effect" determination – that applies only if there is no impact whatsoever on biological resources.

The filing fees are periodically adjusted so the Project Manager needs to check each time before filing the NOD.

As of June 2018, the Los Angeles County Clerk requires the following for the NOD:

- Original signatures

- The Department of Fish and Wildlife fee for an EIR ($3,168 plus $75 County posting fee, totaling $3,243 as of January 1, 2018)

- When filed with a No Effect Form, the Department of Fish and Wildlife filing fee is $75 (as of March 2015)

Filing and payments can be made in person at the County Clerk's office:

> 12400 Imperial Hwy
> Norwalk, California 90650

Office hours are 8:00 am to 5:00 pm Monday through Friday and 8:00 am to 7:00 pm on the third Thursday of each month (in Norwalk office only).

Alternatively, filing and payments can be made by mail:

> Business Filings and Registration
> P.O. Box 1208
> Norwalk, CA 90651-1208

Prior to filing, the Project Manager should confirm on the County Clerk's website that this information is still up to date.

If appearing in person at the County Clerk's office, provide the clerk with your completed paperwork and provide any proof of prior filing fees/receipts (if applicable, e.g. if you are filing a CEQA Addendum). Once reviewed and approved by the Clerk, the NOD will be processed at the counter and, subsequently, both NODs will receive a stamp. One copy is for your records and the other is for the County Clerk.

Metro has used two separate methods to pay filing fees. One option is to allow the consultant to do the filing and pay the fee, provided this is in the scope of work. The second option is to work with your respective administrative analyst or administrative aide to complete a check request for the amount of the filing fee. This option can take up to 10-days or more to get the check, so plan accordingly. Either way, the Project Manager is responsible for ensuring there is budget in the cost center.

WHAT IS A STATUTE OF LIMITATIONS NOTICE?

Following Metro Board action on the project and issuance of a ROD by FTA, a Statute of Limitations Notice must be published in the Federal Register announcing that a federal agency has taken an action on a transportation project that is final under the federal law, triggering a 150-day statute of limitations under federal law.

4.7 Project Manager Public Participation, Agency Coordination, Tribal Consultation, and Noticing Checklist

EARLY PLANNING – AA

PUBLIC/COMMUNITY OUTREACH

☐ Work with Community Relations staff to develop a stakeholder outreach contact list.

☐ Prepare materials with Community Relations and Marketing staff for Early Scoping meetings.

☐ Prepare and distribute/publish notices for Early Scoping Meetings.

☐ Hold Early Scoping Meetings.

☐ Prepare project fact sheet and FAQs.

☐ Establish and maintain a project website and social media accounts to provide information and news about the project (project fact sheet, FAQs, etc.).

☐ Handle media inquiries working together with Public Relations.

☐ Summarize input received from Early Scoping Meetings.

AGENCY COORDINATION

☐ Identify agencies with jurisdiction in the project area and contacts at each agency.

☐ Inform the agencies about the project's early planning/AA and follow up with early scoping meeting(s)/presentation(s) about the project to the agencies that expressed interest.

TRIBAL CONSULTATION

☐ Identify a Metro contact person for tribal coordination under AB 52 (CEQA).

☐ Coordinate with FTA on tribal coordination.

☐ Initiate contact with Native American Tribes and Native American Heritage Commission to identify any federally-recognized tribes and tribes traditionally and culturally affiliated with the project area.

☐ Look for any written requests from tribe(s) for formal notification of projects in its traditionally and culturally affiliated geographic area.

☐ Provide tribe(s) with written notice of the proposed project within 14 days after deciding to undertake the project.

☐ Look for a response from tribe(s) within 30 days that request consultation and designate the tribe's lead contact person.

☐ Initiate consultation within 30 days of request from tribe(s).

DRAFT EIS/EIR

PUBLIC/COMMUNITY OUTREACH

☐ Develop a Public Participation Plan with Community Relations staff.

☐ Prepare NOP, publish NOP to State Clearinghouse, distribute to responsible and trustee agencies, and publish in local newspapers.

☐ Prepare and distribute/publish NOI to Federal Register.

☐ Prepare materials with Community Relations and Marketing staff for scoping meetings.

☐ Update project fact sheet and FAQs.

☐ Conduct elected official briefings.

☐ Hold scoping meetings.

☐ Conduct stakeholder briefings.

☐ Prepare a scoping report.

☐ Hold community update meetings, stakeholder and elected officials briefings updates, and Technical Advisory/Community Advisory Committee(s) meetings as necessary throughout the Draft EIS/EIR process.

☐ Investigate and utilize, as appropriate, alternative techniques to share project information and gather input from members of the public who may not be able to attend meetings such as web-casting of meetings, online/virtual meetings, telephone town halls, and other online engagement tools.

☐ Keep project website and social media accounts with project news updated on an on-going basis.

☐ Handle media inquiries with Public Relations.

☐ Prepare NOA and NOC of Draft EIS/EIR for public review.

☐ File the NOC with State Clearinghouse.

☐ Publish NOA in local newspapers.

☐ Coordinate with FTA to ensure that NOA is published in Federal Register.

☐ Conduct public hearings on Draft EIS/EIR during the public review period.

☐ Summarize input received.

AGENCY COORDINATION

☐ Coordinate with FTA to send invitation letters to agencies.

☐ Prepare an Agency Coordination Plan, identifying cooperating, participating, responsible, and trustee agencies.

☐ Update agency contacts.

☐ Hold agency scoping meetings during formal scoping period.

TRIBAL CONSULTATION

☐ In partnership with FTA, continue contact and consultations with Native American Tribes and Native American Heritage Commission that started during the Early Planning/AA phase.

☐ Discuss with tribe(s) what information, if any, can be disclosed in the Draft EIS/EIR.

PUBLIC NOTICES

☐ Work with the consultant team to prepare the NOP for Draft EIR.

☐ Work with the consultant team to prepare the NOI for the Draft EIS.

☐ Obtain Executive Management approval of the NOP and NOI.

☐ Send draft NOI to FTA for review.

☐ Identify NOP/NOI agency distribution list and contacts.

☐ Send at least 15 copies of the NOP to the State Clearinghouse.

☐ Circulate copies of NOP to identified agencies.

☐ Deliver/send two copies of NOP with filing fee to Los Angeles County Registrar.

☐ Publish NOP in local newspaper(s) and post on Metro website.

☐ Distribute the NOI to FTA for publication in the *Federal Register*.

☐ Alert stakeholders to publication of NOI/NOP.

☐ Work with the consultant team to prepare the NOA, the NOC and environmental transmittal for the Draft EIR.

☐ Work with the consultant team to prepare the NOA for the Draft EIS.

☐ Obtain Executive Management approval of the NOA and NOC.

☐ Submit NOA for Draft EIS to FTA for review and approval.

☐ Obtain FTA approval on Draft EIS prior to publication of NOA.

☐ Update NOA agency distribution list and contacts.

☐ Deliver two copies of NOA for Draft EIR with a filing fee to Los Angeles County Registrar.

☐ Issue copies of NOA for EIR to all Responsible or Trustee agencies.

☐ Mail NOA for EIR to any person or organization who had previously requested a copy.

☐ File NOC for EIR with the State Clearinghouse.

☐ Coordinate with FTA to distribute the NOA for Draft EIS to EPA for publication in the *Federal Register*.

☐ Alert stakeholders to the publication of NOA.

☐ Hold one public hearing in each jurisdiction and/or community affected by the project.

FINAL EIS/EIR

PUBLIC/COMMUNITY OUTREACH

☐ Prepare Response to Comments on Draft EIS/EIR.

☐ Update project fact sheet and FAQs.

☐ Hold community update meetings, stakeholder and elected officials briefings updates, and Technical Advisory Committees meetings as necessary throughout the preparation of the Final EIS/EIR.

☐ Update project website and Metro social media accounts with project news.

☐ Work together with Public Relations to handle media inquiries.

☐ Coordinate with Construction Relations staff to transition outreach efforts.

AGENCY COORDINATION

☐ Conclude agency coordination and finalize any MOUs and/or MOAs as appropriate.

TRIBAL CONSULTATION

☐ Conclude tribal consultation when either agreement is reached regarding avoidance or mitigation of any significant effect on a tribal cultural resource or when a party concludes in good faith, after "reasonable effort," that agreement cannot be reached.

☐ Recommend inclusion of any mitigation measures agreed upon in the consultation in the Draft and Final EIS/EIR, and include these measures in the Mitigation Monitoring and Reporting Program to make the measures fully enforceable.

If the EIR identifies potentially significant impact to a tribal cultural resource, the Metro Board can only certify it if tribal consultation has occurred and concluded, tribe requested consultation but failed to provide comments, or Metro complied with formal notification process and tribe failed to request consultation within 30 days.

PUBLIC NOTICES

☐ Obtain FTA approval to release Final EIS/EIR.

☐ Work with the consultant team to prepare a draft ROD and NOA of Final EIS for FTA review and approval.

☐ Coordinate with Metro Executive Management with regards to publishing Notice of Availability of Final EIS in local newspaper(s).

☐ Work with the consultant team to prepare the NOD.

☐ Obtain Executive Management approval of the NOD.

☐ File NOD with the State Clearinghouse and within five days of project approval.

☐ File NOD and the Fish and Wildlife filing fee with the Los Angeles County Registrar within five days of project approval.

☐ Retain NOD in Metro files for one year.

Appendix Documents

5 PROJECT MEETINGS

5.1 Project Kickoff Meeting

The Project Kickoff Meeting is the first opportunity for Metro and the Consultant to formally initiate the project. The following guidelines are intended to provide a checklist that the Project Manager can use in setting up and conducting this Kickoff Meeting.

The Project Kickoff Meeting provides an opportunity for the Metro Project Manager to:

- Establish overall expectations for the project team

- Review the management plan for the project

- Establish a clear delineation of roles and responsibilities

- Review the project schedule and major milestones with the consultant team

- Allow for team bonding with all disciplines at the table

HOW SHOULD THE PROJECT MANAGER PREPARE FOR THE KICKOFF MEETING?

In order to run an efficient meeting, the following actions should be completed prior to the Kickoff Meeting:

- Ask the consultant to prepare a draft project management plan/project implementation plan for discussion at the Kickoff Meeting. The management and reporting protocols should be clearly established prior to the Kickoff meeting

- Inform the consultant they are responsible for preparing meeting agendas, meeting materials, and taking meeting minutes.

- Work with the consultant to develop meeting materials, including:

    - Agenda

    - Sign-in sheet

    - Project Study Area Map with alternatives (if already identified). This could be a large print-out that all meeting attendees can view at the same time. Alternatively, the map could be projected on the screen.

    - Organization chart identifying roles and responsibilities

- Contact information for project team members

- Project schedule identifying major milestones

- PowerPoint presentation if appropriate

- Flip boards

- Markers

■ Coordinate with representatives from other departments who will be presenting at the Kickoff Meeting (ex. Community Relations).

How Should the Project Manager Set Up the Kickoff Meeting?

The Kickoff Meeting should be scheduled with at least two weeks' notice. The following steps should be followed in scheduling the Kickoff Meeting:

■ Reserve a conference room at Metro and a conference call number for remote participants.

■ Allocate a minimum of one and a half hours (90 minutes) for the Kickoff Meeting. The Kickoff Meeting covers a lot of issues and the consultant team will have questions that will take time to discuss.

■ Invite the following persons identified in Figure 7 to the meeting (Note: as the organizational structure for each project may differ slightly, the list of meeting participants should be adjusted as appropriate for each project).

FIGURE 7: PROJECT KICKOFF MEETING ATTENDEES

Metro Team

- Project Manager
- Deputy Project Manager
- Environmental Manager
- Engineering Manager
- Planning Executive Officers as appropriate
- Supporting staff as appropriate

Other Metro Departments

- Community Relations Manager
- Travel Forecasting
- Operations
- Construction Management
- Librarian
- Construction Relations
- County Counsel
- Environmental Compliance

Consultant Team

- Project Manager
- Deputy Project Manager
- Planning Manager
- Environmental Manager
- Engineering Manager
- Urban Design Manager
- Travel Forecast Manager
- Outreach Manager
- QA/QC Manager
- Supporting staff as appropriate

WHAT SHOULD BE DISCUSSED IN THE KICKOFF MEETING?

The Metro Project Manager should facilitate the Kickoff Meeting discussion and discuss the following topics.

➢ Team Introductions

  ■ Self-introductions for each team member.

➢ Management and Reporting Protocol

- Present the organization chart (if known at that time) and review reporting protocols.

- Establish the schedule for weekly or bi-weekly meetings and how agendas, minutes, and action items will be prepared.

- Discuss the FTA coordination process. Identify the Metro staff that will coordinate with FTA staff.

➤ **Schedule and Deliverables**

- Review key milestones, such as NOI/NOP, scoping, project definition, Board meetings, ROD, grant funding deadlines, etc.

- Identify relationship between milestones and the schedule risk associated with delay in meeting key milestones.

- Review protocols for submitting deliverables to Metro and how other files will be shared with Metro. It is recommended that the consultants use a web-based project management tool to post and transfer electronic files for Metro's review.

- Establish the Metro review process for deliverables. Establish how Metro staff will be reviewing deliverables from the consulting team, including review periods, reviewers, and how comments will be checked, summarized, and transmitted to the Consultant.

- Review the style guide for deliverables as appropriate.

➤ **Definition of Study Area and Alternatives**

- Review the definition of the project study area.

- Discuss potential alternatives.

- Identify any known sensitive issues.

➤ **Public Involvement Process**

The Metro Community Relations Manager should lead the discussion of the public involvement process.

- Identify who from the project team will generally be responsible for attending meetings with outside stakeholders.

- Discuss the development of the Public Involvement Plan, which will include a list of pre-Scoping meetings and Scoping meetings and who will attend each meeting.

- Discuss the development and lead of Agency Coordination Plan.

■ Identify how key stakeholders, institutions, businesses, environmental justice communities, etc. will be identified early.

HOW SHOULD THE PROJECT MANAGER PROCEED FOLLOWING THE MEETING?

Following the meeting, the Metro Project Manager should ensure that:

■ The Consultant documents the Kickoff meeting with meeting minutes, which should include a list of action items, responsible parties and a timeline for when these action items should be completed.

■ The Metro Project Manager establishes a schedule for regular weekly or bi-weekly meetings.

5.2 Regular Project Team Meetings

WHY SCHEDULE REGULAR PROJECT TEAM MEETINGS?

Regular team meetings are critical in maintaining communication within the Project Team as well as with the Key Internal Stakeholders and Management Oversight. Meeting provides a valuable opportunity to identify and work through issues together early.

HOW TO SCHEDULE REGULAR PROJECT MEETINGS?

Regular team meetings should be scheduled on either a weekly or bi-weekly basis, for a minimum of one hour. Once established, it is important to maintain the schedule even if there does not seem to be any major issues. It is recommended to distribute a re-occurring Outlook calendar invitation to the Project Team so the time is reserved on their calendars well in advance, as scheduling last minute meetings can be challenging.

WHO SHOULD ATTEND AND LEAD REGULAR PROJECT MEETINGS?

The Project Manager is responsible for leading meetings, coordinating with consultant team on the agenda, and determining who should attend. The regular project meetings attendees vary depending on the meeting agenda. As identified in Figure 7, the Metro Team and the Consultant team should plan to attend every meeting. The Key Internal Stakeholders should be invited as needed depending on topics to be discussed. Those who are not included on the re-occurring meeting invitation should be provided with a minimum of one week notice for any meeting they should attend.

WHAT SHOULD BE DISCUSSED AT REGULAR PROJECT MEETINGS?

The Project Manager will work with the consultant to develop an agenda for each meeting. The agenda should be distributed to all attendees a minimum of

two days in advance of the meeting. The agenda should identify the meeting date and location, and list the topics to be discussed. Topics to be discussed include updates on ongoing tasks as well as any immediate tasks or issues that need resolution. Generally the agenda should cover:

- Approval of previous meeting minutes and update of action items
- Key Upcoming Meetings
- Engineering Topics
- Environmental Topics
- Urban Design/Station/Land Use Planning Topics
- Community Outreach Topics

A well-organized and concise agenda is critical to running an efficient meeting. A sample agenda is provided in Appendix to the Guide, Section 11.5.

WHAT MATERIALS SHOULD BE DISTRIBUTED AT THE REGULAR PROJECT MEETINGS?

The following materials should be distributed at the regular meetings:

- Sign-in sheet
- Agenda
- Meeting minutes from previous meeting for approval
- Handouts as needed
- Projector and laptop for presentations as needed

The consultant is responsible for providing these meeting materials.

HOW ARE REGULAR TEAM MEETINGS DOCUMENTED?

Keep a running list of action items, including responsible party and due date, in the meeting minutes.

The consultant is responsible for documenting the meeting in official meeting minutes. The meeting attendees sign-in on a separate sign-in sheet, which should be circulated at the meeting. The meeting minutes should provide a detailed summary of the discussion and identify action items to be addressed, including responsible party and due dates. Every meeting should begin by reviewing the status of any outstanding action items. The consultant should provide the draft meeting minutes for review no later than three days following the meeting. Sample sign-in sheets and meeting minutes are provided in the Appendix to the Guide, Section 11.5.

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5.3 Project Manager Team Meetings Checklist

☐ Establish a schedule and location for the Kickoff Meeting and regular ongoing project team meetings.

☐ Reserve the room and set up a conference line.

☐ Ask the consultant to prepare an agenda, sign in sheet, and meeting minutes.

☐ Based on agenda, distribute invitation to necessary parties.

☐ Work with consultant to prepare any necessary meeting materials and request that consultant bring copies of meeting materials for distribution.

☐ Lead the meeting, following the agenda as closely as possible.

☐ Ask consultant to prepare meeting minutes.

☐ Review and finalize meeting minutes prepared by consultant.

Appendix Documents

11.5 Meeting Materials Templates...page 144

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6 SECTION 106 AND SECTION 4(f) PROCESSES

Section 106 and Section 4(f) processes only apply to NEPA documents.

The Section 106 and Section 4(f) processes are presented as a standalone chapter in the Guide because they span the entire environmental process— from Early Planning/AA to Final EIS/EIR. As a result, both processes follow established guidelines and require agency coordination from day one.

6.1 Section 106 Process

WHAT IS SECTION 106 AND HOW DOES IT APPLY TO THE PROJECT?

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to:

■ Take into account the effects of their actions on historic properties

■ Provide the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such actions

The goal of consultation under Section 106 is to identify historic properties potentially affected by the project, assess the project's effect on those properties, and seek ways to avoid, minimize, or mitigate adverse effects on historic properties.

Section 106 focuses on the project's impacts to historic resources.

Compliance with Section 106 is required for all Metro projects funded, permitted, or approved by the FTA, or any other federal agency. FTA is the lead agency for the Section 106 process.

All Metro projects that entail ground disturbance, partial or full takes, alteration of historic buildings or structures, demolition of historic buildings or structures, etc. have the potential to affect historic properties and are subject to Section 106 compliance.

The section 106 process consists of four main steps as outlined in

Figure 8. The process is shown in more detail in Figure 9.

FIGURE 8: SECTION 106 PROCESS MAJOR STEPS

Initiate Section 106 and determine if it applies to the project

Identify historic properties in the project's APE

Assess the effect of a project on identified historic properties

Resolve adverse effects by exploring alternatives to avoid, minimize, or mitigate the effects
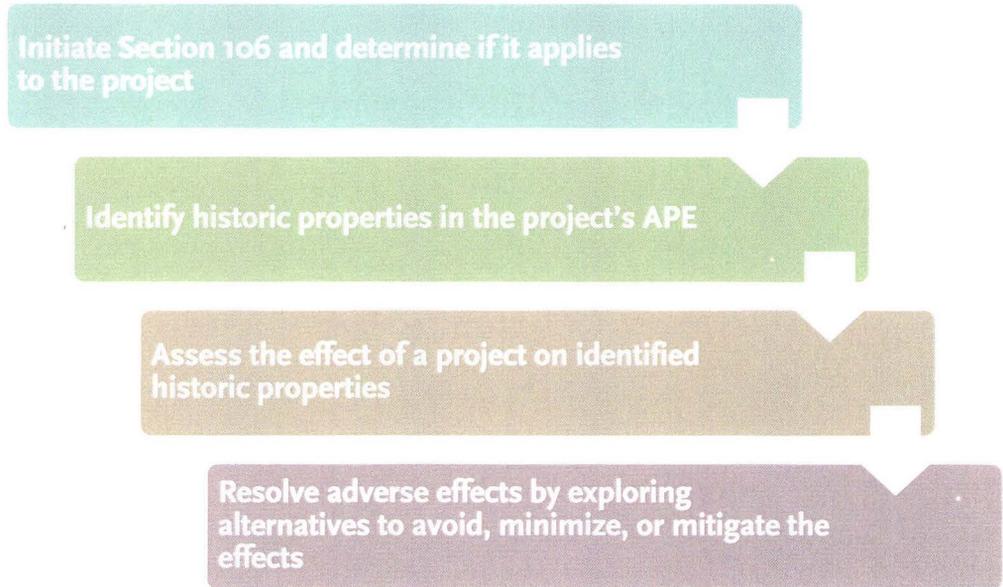
FIGURE 9: SECTION 106 PROCESS FLOWCHART
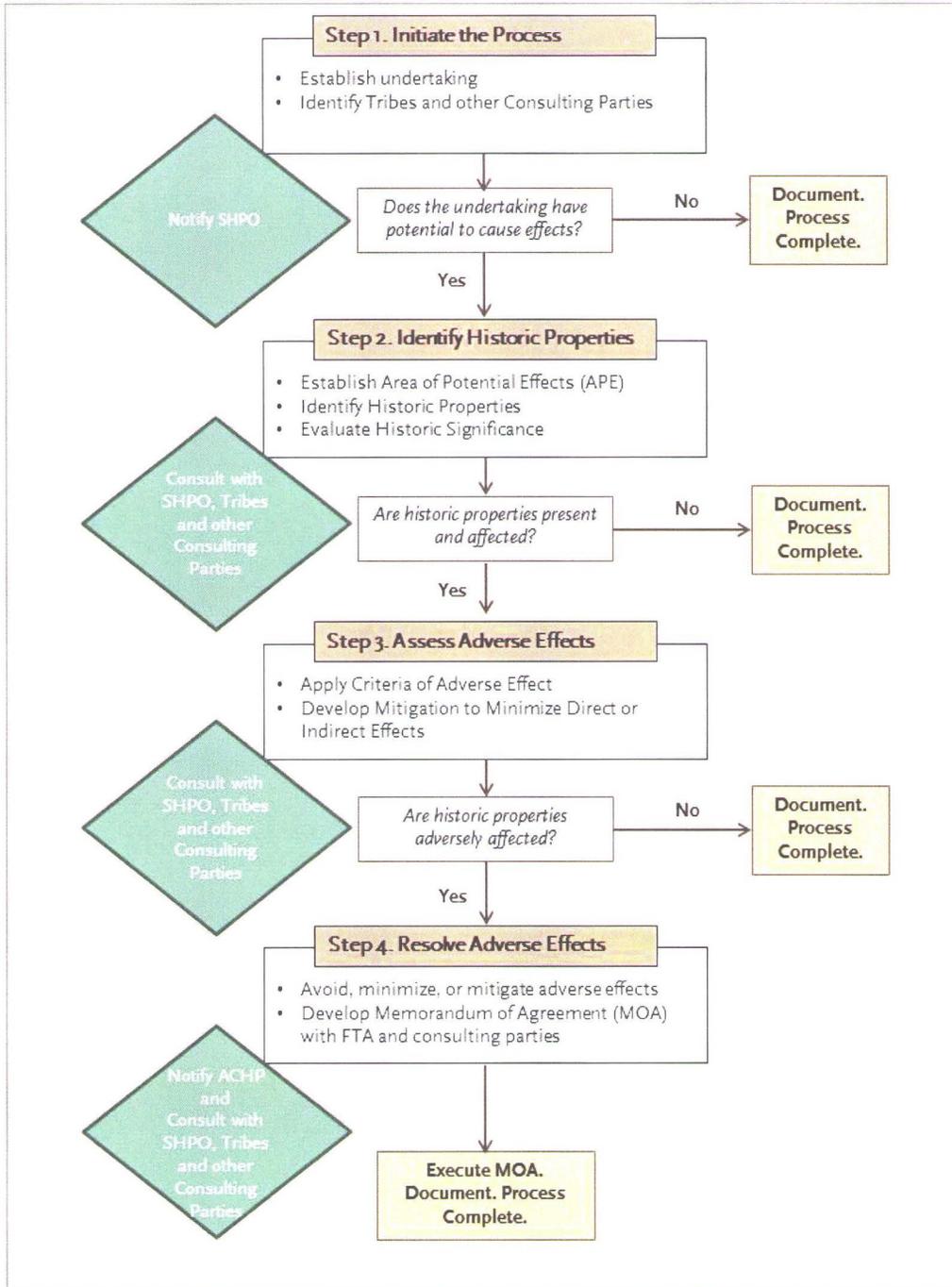
Remember to document the Section 106 process in the Administrative Record.

WHEN AND HOW IS THE SECTION 106 PROCESS INITIATED?

The Section 106 process should be initiated early in project planning so that a broad range of alternatives may be considered. During Early Planning/AA, Metro, through FTA, should reach out to the State Historic Preservation Officer (SHPO) with general information about the project (ex: new light-rail transit within in a given corridor, new station within a given general area, new maintenance facility, relocated station/facility, etc.) and its potential to affect historic resources.

Make sure that Section 106 and Section 4(f) processes are initiated at the same time, and that they are conducted in tandem.

Formal SHPO consultation starts during the formal scoping process for the Draft EIS/EIR with a written letter from FTA to SHPO. The Metro Project Manager will work with both the consultant and FTA to draft a letter to SHPO that details the project, defines the APE, and lists any historic resources identified during preliminary research during Early Planning/AA. Once FTA receives a written response from SHPO concurring with the APE, the Section 106 analysis can officially begin.

WHO NEEDS TO BE CONSULTED UNDER SECTION 106?

The Metro Project Manager is responsible for ensuring that all appropriate consultation, as described below, occurs during the Section 106 process, although most consultation occurs officially through FTA, as the lead federal agency. FTA may authorize Metro to prepare information, analysis and recommendations regarding Section 106 consultation. However, the delegated authority does not extend to making determinations, such as the APE or consulting parties. This determination authorization remains solely with FTA.

Consulting/interested parties will not be the same for every project.

At the minimum, the following parties identified in Figure 10 should be considered in the Section 106 consultation. Note: Consultation by FTA/Metro with a Tribal Historic Preservation Officer (THPO) is not anticipated because there are no designated THPOs in Los Angeles County or neighboring Orange, Kern, or Ventura counties.

During the Early Planning/AA phase, the Metro project team should identify all parties who will need to be consulted during the Section 106 process and document the necessary steps and contacts to follow throughout the consultation process.

FIGURE 10: SECTION 106 CONSULTATION PARTIES

SHPO
- Should be contacted early in order to collaborate on the identification of historic properties and inform the development of alternatives. FTA is responsible for consulting with SHPO.

ACHP
- Must be notified and may choose to participate as a consulting party. FTA is responsible for consulting with ACHP.

Secretary of the Interior
- Represented by the National Park Service (NPS), is invited to participate if a National Historic Landmark (NHL) may be potentially directly or indirectly adversely affected. FTA is responsible for consulting with NPS.

Representative(s) of a local government with jurisdiction
- Entitled to participate as a consulting party. Metro is responsible for identifying and consulting with local government officials.

Tribes
- Currently there are no federally recognized tribes in Los Angeles County but there are a number of non-federally recognized tribes and Native American groups. While federally recognized tribes have status as formal consulting parties in the Section 106 process, non-federally recognized tribes or groups must be identified as other interested parties.

Individuals and Organizations
- May participate as consulting parties and Metro is responsible for identifying and consulting with individuals and organizations.

General Public
- Participation by the general public is essential in the Section 106 process. Public notice and an opportunity for public review and comment concerning the potential effects on historic properties of a proposed Metro project under Section 106 typically coordinated with the EIS/EIR process to streamline the environmental review process. Metro is responsible for identifying and consulting with the general public.

WHAT IS THE AREA OF POTENTIAL EFFECT (APE) AND HOW IS IT DEFINED?

The project-specific APE must be approved in writing by the SHPO at the beginning of the Draft EIS/EIR process.

The project team is responsible for identifying the APE at the beginning of the Draft EIS/EIR. The APE is the geographic area(s) within which the project may directly or indirectly cause alterations in the character or use of historic properties. The APE is influenced by the scale and characteristics of the project and/or its components. In order to encompass the entire area of potential disturbance, each architectural and archaeological APE is required to include horizontal and vertical boundaries that account for both direct and indirect effects.

The Metro Project Manager is responsible for coordinating with FTA and SHPO to obtain approval of the APE. FTA and Metro consult with the SHPO to determine, document, and define the APE for the project. The APE should be adjusted as FTA and Metro further develop the details of the project and learn more about potential historic properties and how they may be affected. The input of consulting parties is crucial to this refinement of the APE throughout Section 106 review.

WHAT ARE HISTORIC PROPERTIES?

Historic properties are any prehistoric or historic districts, sites, buildings, structures, or objects of national, state, or local importance that are included in, or eligible for inclusion in, the National Register of Historic Places (NRHP). The term includes artifacts, records, and remains that are related to and located within such properties. It also includes properties of traditional religious and cultural importance to a Native American tribe or Native Hawaiian organization, which meet the criteria for listing on the NRHP.

WHAT IS AN "EFFECT" ON HISTORIC PROPERTY?

The types of effect under Section 106 fall into three categories:

- **No Effect:** no historic properties are affected.

- **Adverse Effect:** project-related effects to historic properties are permanently adverse.

- **No Adverse Effect:** project-related effects to historic properties may be minimized. The consultant will be responsible for writing the technical study and developing recommendations for determining whether the project will have no adverse effect or an adverse effect on any historic resources within the APE. Based on the findings of the technical study, the FTA makes a determination of no adverse effect or adverse effect. The Metro Project Manager is responsible for sharing the consultant's findings

with FTA and SHPO. Once FTA makes a determination, that determination is shared with the SHPO.

NO EFFECT

Metro and FTA may determine that no historic properties are affected ("no effect") if the Section 106 evaluation finds either:

- There are no historic properties in the APE

- There are historic properties in the APE but the project will have no effect upon them (i.e. will not alter the characteristics qualifying it for inclusion in or eligibility for the NRHP)

The "no effect" findings must be documented and the SHPO and all consulting parties must be notified of the findings. The SHPO and ACHP will have a 30 day review period to object to the findings. If an objection is received, Metro and FTA must reconsider the determination and either provide additional justification for the initial finding or change the finding. Once concurrence is received or no objections are received, the Section 106 process is considered complete.

ADVERSE EFFECT

Under Section 106, an adverse effect is defined as an undertaking that may directly or indirectly alter any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. The effects of a project can be direct or indirect, as described in Figure 11.

Consideration must be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative.

FIGURE 11: DIRECT, INDIRECT, AND CUMULATIVE EFFECTS

Direct Effect
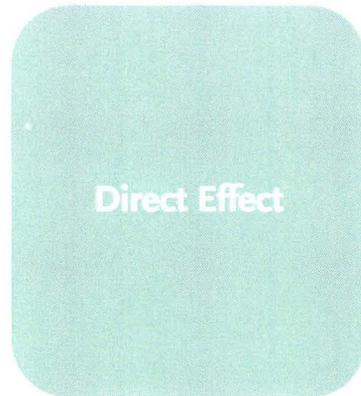
- Physical destruction or damage
- Alterations made to a historic building or structure that are inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic properties
- Relocation of the property
- Change in the character of the property's use or setting
- Major disturbance of an archaeological site

Indirect Effect
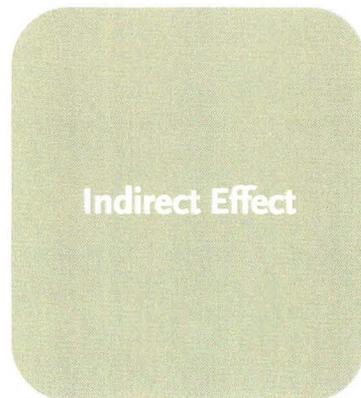
- Elements that diminish the integrity of the property's significant historic features through the introduction of incompatible visual, atmospheric, or audible elements
- Neglect and deterioration
- Transfer, lease, or sale of a historic property out of federal control without adequate preservation restrictions

Cumulative Effect
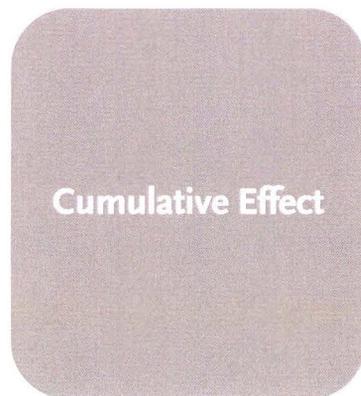
- Individually minor but collectively significant actions in the past, present, and reasonably foreseeable future that erode the historic character of a property over time

NO ADVERSE EFFECT

A finding of "no adverse effect" is made when the undertaking's effects do not change the historic character of the property and do not meet the adverse effect criteria listed above, or the undertaking is modified or conditions are imposed to avoid adverse effects. If a direct or indirect adverse effect is identified, Metro works with the consultant to develop mitigation measures to minimize harm to the resource. If the proposed mitigation sufficiently minimizes the effects, a finding of "no adverse effect" is then proposed.

Refer to Chapter 9 for more details on the mitigation measures process.

WHAT IF THE PROJECT HAS AN ADVERSE EFFECT?

If an adverse effect is found, consultation among Metro, FTA, SHPO, and consulting parties is required to develop avoidance alternatives or mitigation measures to resolve the adverse effects.

Metro, through FTA must also notify the ACHP of the "Adverse Effect" finding and invite the ACHP to participate. The ACHP may choose to either join or not join in the continuing consultation, and provide notice to that effect within 15 days of receipt of the invitation.

Metro must also make this information available to the public and must provide the public an opportunity to express their views on resolving the adverse effects of the project to historic properties. Public notice and the opportunity for public review and comment under Section 106 may be coordinated with the Draft EIS/EIR process for the project.

Failure to notify the ACHP is a serious procedural flaw since it would deny ACHP the opportunity to participate and comment as required by Section 106.

WHAT ARE A MEMORANDUM OF AGREEMENT (MOA) AND A PROGRAMMATIC AGREEMENT (PA) AND HOW ARE THEY DEVELOPED?

The MOA or Programmatic Agreement establishes the agreed-upon and legally-binding measures to resolve the adverse effects, and the roles and responsibilities of Metro, FTA, and the consulting parties. If all the consulting parties agree on how the adverse effects will be resolved, Metro, with FTA, will draft a MOA for review and approval by the consulting parties. The MOA outlines the procedures, tasks, standards, and responsibilities for complying with Section 106 during planning, construction, operation, and/or maintenance of the project.

A Programmatic Agreement (PA) is a program-level MOA alternative that may be used to implement the Section 106 process for a complex project situation. PAs can be developed on a national, statewide, or regional scope for similar or repetitive undertakings, for undertakings with repetitive effects on historic properties, or for situations where the effects to historic properties cannot be fully determined prior to the approval of an undertaking.

Approval and execution of the MOA or Programmatic Agreement is required prior to the completion of the NEPA process and signing of the ROD.

For Metro projects, a MOA could be the more appropriate agreement document used to resolve adverse effects to historic properties and conclude the Section 106 process when implementing a single project with identified adverse effects.

Subsequent to approval by all parties, the MOA will be fully executed. Signatory parties to the MOA include the SHPO and FTA, as well as the ACHP if that agency decided to participate. If a Native American tribe attaches religious and cultural significance to historic properties affected (even if these properties are located off tribal lands), the tribe may be invited as a signatory party. The NPS

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may sign if the MOA resolves an adverse effect to a NHL. Metro will be an invited signatory party. Depending on the historic properties adversely affected by the project, there may be additional signatory parties.

The MOA must be fully executed prior to completion of the NEPA process and signing of a Record of Decision. If the ACHP chose not to participate in the resolution of adverse effects, the executed (signed) MOA must be submitted to the ACHP prior to approving the project. Metro is responsible for carrying out the project in accordance with the MOA, with guidance and oversight from FTA.

HOW IS THE SECTION 106 PROCESS DOCUMENTED?

The determination, finding, or agreement reached through the Section 106 process must be supported by sufficient documentation to enable any reviewing parties to understand its basis. Procedurally, the Administrative Record must include documentation that demonstrates that:

- The appropriate consulting parties were identified,

- The consulting parties were provided with adequate documentation (i.e. meeting minutes, consultation logs, letters to consulting parties/tribes, technical studies, etc.) and

- The consulting parties were provided a reasonable opportunity for to exchange views about the identification of historic properties, the assessment of effects to the properties, and the resolution of adverse effects.

6.2 Section 4(f) Process

WHAT IS SECTION 4(f) AND HOW DOES IT APPLY TO THE PROJECT?

Section 4(f) requires the consideration of park and recreational lands, wildlife and waterfowl refuges, and historic sites in transportation project development. Compliance with Section 4(f) is required for all projects funded or approved by the FTA or other US Department of Transportation (US DOT) agency. As the lead US DOT agency for Metro transit projects, FTA makes required Section 4(f) approvals.

WHAT PROPERTIES ARE PROTECTED UNDER SECTION 4(f)?

Section 4(f) protects three categories of properties: (1) parks and recreational areas, (2) publicly owned wildlife and waterfowl refuges, and (3) historic sites (see Figure 12).

FIGURE 12: PROPERTIES PROTECTED UNDER SECTION 4(f)

Parks and recreational areas	• Parks and recreational areas of national, state, or local significance that are both publicly owned and open to the public.
Publicly owned wildlife and waterfowl refuges	• Publicly owned wildlife and waterfowl refuges of national, state, or local significance that are open to the public to the extent that public access does not interfere with the primary purpose of the refuge.
Historic sites	• "Historic sites" of national significance* in public or private ownership regardless of whether or not the historic site is publicly owned or open to the public.

It is critical to consider Section 4(f) properties early in the planning process so that alternatives can be developed and evaluated prior to advancing engineering.

*Locally significant historic sites may also be included under certain circumstances.

WHEN DOES SECTION 4(f) EVALUATION START?

The preliminary Section 4 (f) evaluation starts at the Early Planning/AA stage of the project. During the Early Planning/AA phase, the project consultant team should:

- Define the project study area

- Research maps for public parks, recreation areas, wildlife/ waterfowl refuges, and for previously recorded cultural resources in the project study area

- Identify potential Section 4(f) properties for each alternative

Although preliminary Section 4(f) property research occurs during the Early Planning/AA stage, the Section 4(f) evaluation begins in earnest once the Draft EIS/EIR commences and the alternative(s) are better defined. To determine Section 4(f) impacts, the following components must be identified in the project definition:

- Alignment location(s)
- Station(s) location(s)
- Construction staging areas
- Right of way requirements

WHAT ARE THE STEPS IN THE SECTION 4(f) PROCESS?

The Section 4(f) process comprises the following seven major steps:

- **Step 1:** Identify Section 4(f) properties
- **Step 2:** Determine if the project results in:

    - Direct Use
    - Temporary Occupancy
    - Constructive Use of the identified Section 4(f) properties

    And if the project results in:

    - *de minimis* Impact (which cannot be made for Constructive Use) on the identified Section 4(f) properties

- **Step 3:** If the project does not result in the *de minimis* impact, develop Avoidance Alternative and conduct "Feasible and Prudent" alternatives analysis

- **Step 4:** Consider all possible planning to minimize harm to the identified properties (including mitigation)

- **Step 5:** Conduct "Least Overall Harm" analysis, if no Feasible or Prudent Alternative exists

- **Step 6:** Agency and public review of Section 4(f) Evaluation

- **Step 7:** Document analysis and findings in the Section 4(f) Evaluation

This process is illustrated in Figure 13 flowchart, and described in detail in the sections following the flowchart.

Section 4(f) focuses on the use, instead of on environmental impacts, on the Section 4(f) property.

FIGURE 13: SECTION 4(f) PROCESS FLOW CHART
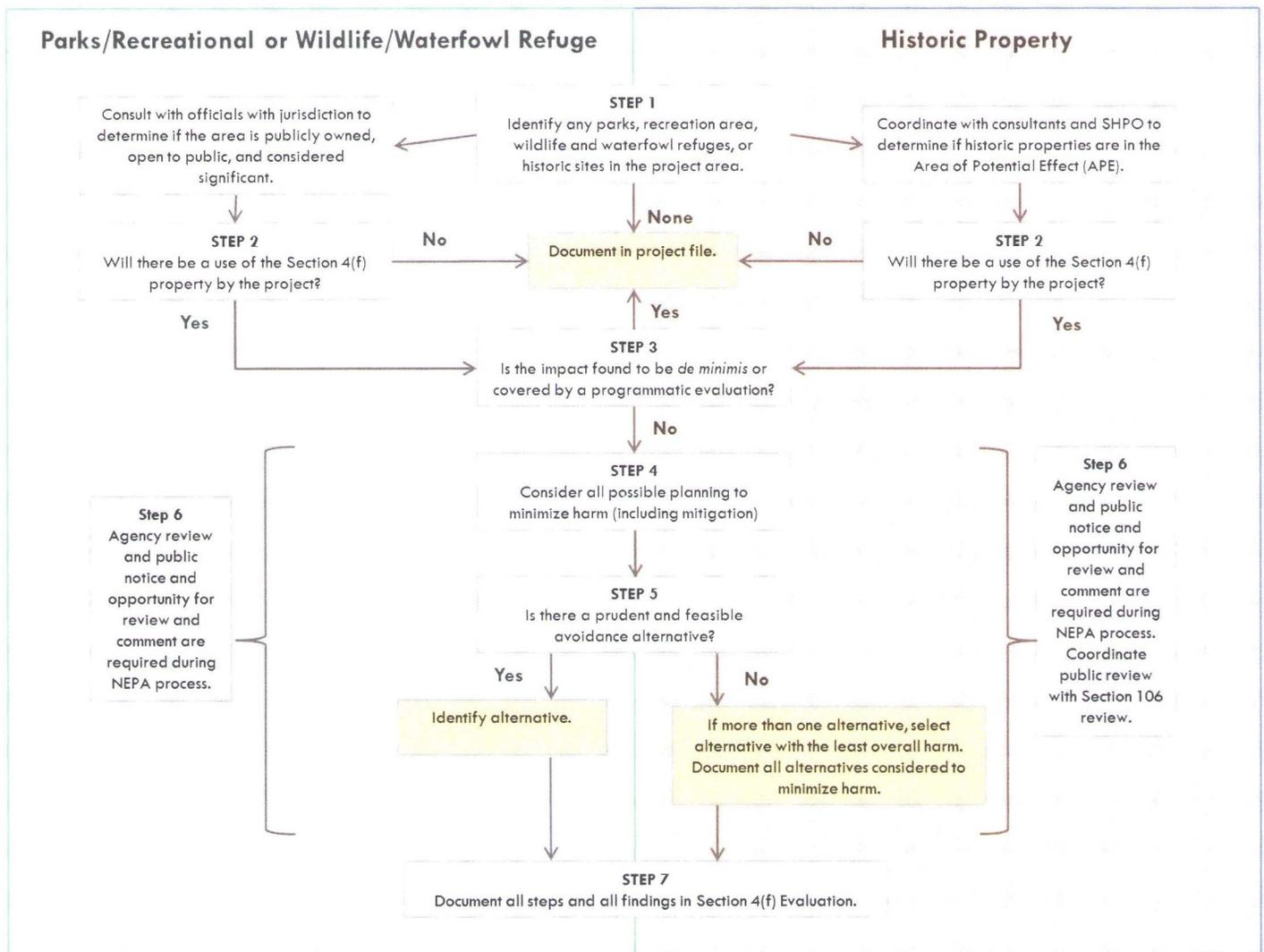

Parks/Recreational or Wildlife/Waterfowl Refuge	Historic Property

STEP 1
Identify any parks, recreation area, wildlife and waterfowl refuges, or historic sites in the project area.

Consult with officials with jurisdiction to determine if the area is publicly owned, open to public, and considered significant.

Coordinate with consultants and SHPO to determine if historic properties are in the Area of Potential Effect (APE).

None

STEP 2
Will there be a use of the Section 4(f) property by the project?

No — Document in project file. — No

STEP 2
Will there be a use of the Section 4(f) property by the project?

Yes — Yes — Yes

STEP 3
Is the impact found to be *de minimis* or covered by a programmatic evaluation?

No

Step 6
Agency review and public notice and opportunity for review and comment are required during NEPA process.

STEP 4
Consider all possible planning to minimize harm (including mitigation)

Step 6
Agency review and public notice and opportunity for review and comment are required during NEPA process. Coordinate public review with Section 106 review.

STEP 5
Is there a prudent and feasible avoidance alternative?

Yes — Identify alternative.

No — If more than one alternative, select alternative with the least overall harm. Document all alternatives considered to minimize harm.

STEP 7
Document all steps and all findings in Section 4(f) Evaluation.

WHY DO THE SECTION 4(f) AND SECTION 106 EVALUATIONS MUST BE COORDINATED?

The Section 106 and Section 4(f) processes must be coordinated because Section 4(f) protects historic sites. The use of a historic site is subject to Section 4(f) if the site it is listed in, or eligible for listing in the NRHP. Historic sites that are listed on or eligible for listing in NRHP are identified during the process required under Section 106.

However, in some instances, Section 4(f) may also include locally significant historic sites, which may not be listed or be eligible for listing in the NRHP, when an official (ex: mayor, president of a local historical society, etc.) formally provides

Section 4(f) process needs to be carried out concurrently with Section 106 process. Both processes start at the Early Planning /AA Study phase).
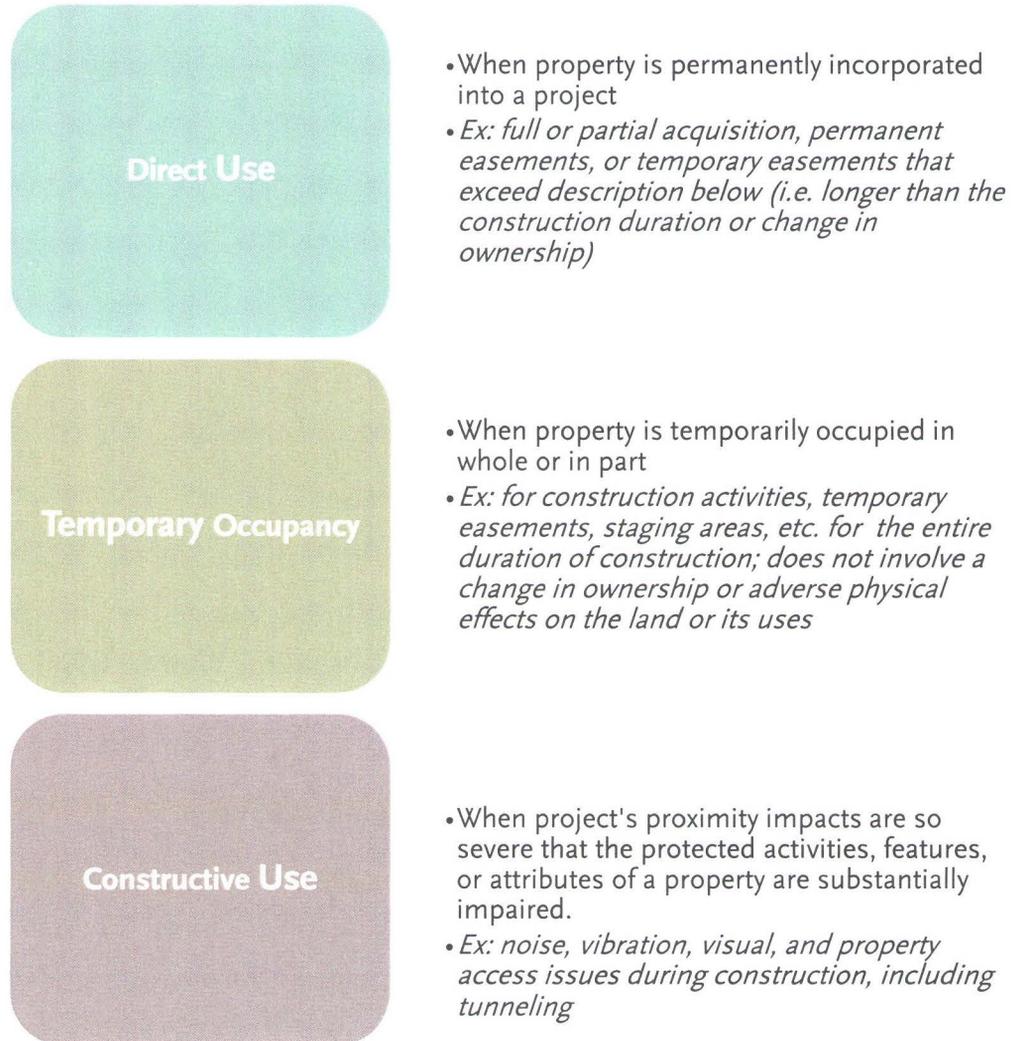
information to indicate that the historic site is of local significance. In such cases, FTA may determine that it is appropriate to apply Section 4(f) to that property.

WHAT CONSTITUTES THE "USE" OF SECTION 4(f) PROPERTY?

Three types of activities constitute a use under Section 4(f) – (1) Direct Use, (2) Temporary Occupancy, and (3) Constructive Use, as illustrated in Figure 14.

FIGURE 14: SECTION 4(F) DEFINITIONS

Direct Use
- When property is permanently incorporated into a project
- *Ex: full or partial acquisition, permanent easements, or temporary easements that exceed description below (i.e. longer than the construction duration or change in ownership)*

Temporary Occupancy
- When property is temporarily occupied in whole or in part
- *Ex: for construction activities, temporary easements, staging areas, etc. for the entire duration of construction; does not involve a change in ownership or adverse physical effects on the land or its uses*

Constructive Use
- When project's proximity impacts are so severe that the protected activities, features, or attributes of a property are substantially impaired.
- *Ex: noise, vibration, visual, and property access issues during construction, including tunneling*

WHAT IS A *de minimis* IMPACT?

A de minimis impact involves the use of Section 4(f) property that is generally minor in nature. The de minimis impact determination is made after taking into account any measures to minimize harm such as avoidance, minimization, mitigation, or enhancement measures.

For public parks, recreation areas, and wildlife and waterfowl refuges, a de minimis impact is one that would not adversely affect the features, attributes, or activities qualifying the property for Section 4(f).

For historic properties, a de minimis impact means that the FTA has determined that the project would have "no adverse effect" on a historic property that is listed on or eligible for listing on the NRHP.

A de minimis impact determination requires agency coordination with the officials having jurisdiction over the Section 4(f) property and opportunities for public involvement. A use of Section 4(f) property having a de minimis impact can be approved by FTA without the need to develop and evaluate alternatives that would avoid using that property.

A de minimis impact determination may be made for a Direct Use and Temporary Occupancy only, and may not be made when there is a Constructive Use.

How is *de minimis* Concurrence Obtained?

The official(s) with jurisdiction must concur in writing with the determination of a de minimis impact on a Section 4(f) property. Concurrence is requested after the Draft EIS/EIR public review. The officials with jurisdiction have a minimum of 45 days to provide concurrence. If comments are not received within 15 days after the close of the comment period, than a lack of objection is assumed.

For public parks, recreation areas, and wildlife and waterfowl refuges, the officials with jurisdiction over the Section 4(f) resource must concur in writing that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection. This concurrence may be combined with other comments on the project provided by the officials.

For historic properties for the *de minimis* finding, the Section 106 determination for the property must be "no adverse effect" with written concurrence from agencies with jurisdiction. The agencies with jurisdictions include the SHPO and may include the ACHP, the THPO, and/or the NPS.

The FTA then informs the SHPO and other agencies with jurisdiction of the intent to make a de minimis impact determination.

Compliance with Section 106 regulations satisfies the public involvement and agency coordination requirement for de minimis impact findings for historic properties.

Remember to start coordinating early with officials with jurisdiction over the Section 4(f) property in developing a de minimis determination.

Remember to obtain written concurrence from officials with jurisdiction for a de minimis determination.

WHAT IS A FEASIBLE AND PRUDENCE AVOIDANCE ALTERNATIVE?

A Feasible and Prudent Avoidance Alternative avoids using Section 4(f) property and does not cause other severe problems of a magnitude that substantially outweigh the importance of protecting the Section 4(f) property. The goal is to identify alternatives that would not use any Section 4(f) property.

An alternative is not considered prudent if it:

■ Compromises the project to a degree that it is unreasonable to proceed in light of the project's stated Purpose and Need;

■ Results in unacceptable safety or operational problems;

Remember to provide documentation of the process used to identify, develop, analyze, and eliminate potential avoidance alternatives.

■ After reasonable mitigation, causes severe social, economic, or environmental impacts; severe disruption to established communities; severe or disproportionate impacts to minority or low-income populations; or severe impacts to environmental resources protected under other Federal statutes;

■ Results in additional construction, maintenance, or operational costs of extraordinary magnitude;

■ Causes other unique problems or unusual factors; or

■ Involves multiple factors as outlined above that, while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude.

Documentation is required for findings of no feasible and prudent alternatives. This description need not include every possible detail, but it should clearly explain the development, analysis, and reasons for elimination of potential avoidance alternatives to conclude that:

Consider the seven balancing factors and opinions of officials with jurisdiction before selecting Alternative with Least Overall Harm.

The project includes all possible planning to minimize harm to the to the Section 4(f) property resulting from the project use.

■ There is no feasible and prudent alternative that completely avoids the use of Section 4(f) property; and

WHAT IS THE ALTERNATIVE WITH LEAST OVERALL HARM AND HOW IS IT IDENTIFIED?

If there is no Feasible and Prudent Avoidance Alternative, FTA will determine the Least Overall Harm Alternative. The determination is made by balancing the following seven factors:

1. The ability to mitigate adverse impacts to each Section 4(f) property (including any measures that result in benefits to the property);

2. The relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features that qualify each Section 4(f) property for protection;

3. The relative significance of each Section 4(f) property;

4. The views of the officials with jurisdiction over each Section 4(f) property;

5. The degree to which each alternative meets the purpose and need for the project;

6. After reasonable mitigation, the magnitude of any adverse impacts to properties not protected by Section 4(f); and

7. Substantial differences in costs among the alternatives.

These factors are considered alongside the opinions of officials with jurisdiction to inform the selection of the Alternative with Least Overall Harm.

Remember to document "All Possible Planning to Minimize Harm" in the final Section 4(f) evaluation.

WHEN WILL FTA APPROVE THE USE OF A SECTION 4(f) PROPERTY?

FTA may not approve the use of Section 4(f) property unless a determination is made that:

- There is no feasible and prudent avoidance alternative to the use of land from the property

- The project includes consideration of all possible planning to minimize harm to the property resulting from such use, or

- FTA determines that the use of land will have a de minimis impact on the property

HOW ARE AGENCIES AND THE PUBLIC INVOLVED IN THE SECTION 4(f) PROCESS?

Agencies with jurisdiction over Section 4(f) properties play a critical role in the Section 4(f) process. Agencies are consulted at the following points during the Section 4(f) process:

- Determining if a public park, recreation area, or wildlife/ waterfowl refuge is publicly owned, open to public, and considered significant

- Concurring a de minimis determination

- Evaluating the degree of harm to Section 4(f) property

- Identifying alternative with least overall harm

- Commenting on the Draft Section 4(f) evaluation

The Draft Section 4(f) must be made available for agency and public review. This may be provided during the public review and comment on the Draft EIS/EIR. The Draft Section 4(f) must be circulated to the following for comment:

- Officials from agencies with jurisdiction

- U.S. Department of the Interior (DOI)

- Other federal, state, regional or local agencies as appropriate

- General public

A *minimum* of 45 days for receipt of comments is required and may be reviewed concurrently by all parties listed. FTA may proceed with action if comments are not received within 15 days after the comment period deadline.

WHAT AGENCIES HAVE JURISDICTION OVER SECTION 4(f) PROPERTIES?

Agencies with jurisdiction are defined as:

- For public parks, recreation areas, and wildlife and waterfowl refuges, the agencies that own or administer the property in question and who are empowered to represent the agency on matters related to the property.

- For historic properties, the SHPO and other agencies participating in the Section 106 process for the project, such as the ACHP and THPO. When the Section 4(f) property is a National Historic Landmark (NHL), the designated official of the National Park Service (NPS) also has official jurisdiction over that property for the purposes of Section 4(f), and will participate in the Section 106 process.

6.3 Project Manager Section 106 and Section 4(f) Checklist

EARLY PLANNING/ AA STUDY

SECTION 106

☐ Determine whether the project has the potential to affect historic properties.

☐ Notify the SHPO about the project.

☐ Identify Native American tribes and other consulting/interested parties.

☐ Work with consultant to identify preliminary list of historic properties.

SECTION 4(F)

☐ Work with consultant to define the study area.

☐ Work with consultant to research maps for public parks, recreation areas, wildlife/ waterfowl refuges, and for previously recorded cultural resources in AA's study area.

☐ Work with consultant to identify potential Section 4(f) properties for each alternative.

☐ Provide opportunity for public comment.

☐ Hold community meetings and meetings with key staff of city and/or county local jurisdiction.

DRAFT EIS/EIR

SECTION 106

☐ Work with consultant to establish APE.

☐ Initiate formal SHPO consultation via written letter from FTA to SHPO.

☐ Send copy of letter to ACHP.

☐ Meet with SHPO staff to discuss project and APE.

☐ Receive approval letter from SHPO on the APE.

☐ Work with consultant to determine potential for direct, indirect, or cumulative effects to historic properties.

☐ Discuss assessment of NRHP eligibility or ineligibility with SHPO staff and other consulting parties.

☐ Discuss potential for avoidance or project effect with SHPO staff and other consulting parties.

☐ If finding of "No Effect," document and provide findings and related documentation to the SHPO and consulting parties. Make documentation available for public review during Draft EIS/EIR circulation.

☐ If finding of "Adverse Effect," work with consultant and SHPO/OHP (Office of Historic Preservation) staff to develop avoidance alternatives and mitigation measures.

☐ Notify the ACHP of any adverse effects.

☐ Work with consultant to prepare a MOA or PA describing how the adverse effects will be resolved.

☐ Submit MOA or PA to FTA for review prior to Draft EIS/EIR publication.

☐ Submit MOA or PA to SHPO staff for review prior to Draft EIS/EIR publication.

As the lead federal agency, FTA is responsible for all communications with SHPO unless otherwise formally delegated to others by FTA.

SECTION 4(F)

☐ Consult **early** with officials with jurisdiction to determine if a public park, recreation area, or wildlife/ waterfowl refuge is publicly owned, open to public, and considered significant.

☐ Work with consultant and SHPO to determine if historic properties are in the APE (defined under Section 106).

☐ Work with consultant to determine the "use" of the identified Section 4(f) properties.

☐ Work with consultant to determine if the "use" is de minimis impact.

☐ Obtain concurrence in writing from officials within jurisdiction for identified de minimis impacts.

☐ Work with consultant to determine if there is a Feasible and Prudent Avoidance Alternative if the use of Section 4(f) is not a temporary occupancy or a de minimis impact.

☐ Work with FTA to identify and select the Least Overall Harm Alternative if there is no Feasible and Prudent Avoidance alternative.

☐ Work with the consultant to document the Section 4(f) process in the Section 4(f) Evaluation, including all analysis and determinations.

☐ Circulate the Draft Section 4(f) for agency and public comment as part of the Draft EIS/EIR.

FINAL EIS/EIR

SECTION 106

☐ Work with consultant to revise APE if LPA selection resulted in changes to APE.

☐ If there are changes to APE and new historic properties can be affected follow the same steps as for the Draft EIS/EIR.

☐ If there are changes to MOA, complete full execution of MOA prior to the completion of the Final EIS/EIR and signing of the ROD.

☐ Submit signed MOA to ACHP if ACHP had declined to participate.

SECTION 4(F)

☐ Work with consultant to confirm Section 4(f) properties within the Locally Preferred Alternative (LPA) area if the project was refined as a result of the input received on the Draft EIS/EIS, and update as appropriate.

☐ Follow the steps laid out for the Draft EIS/EIR process if additional Section 4(f) properties are identified.

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7 EARLY PLANNING/ALTERNATIVES ANALYSIS

This section provides an overview of the activities undertaken during the early planning/alternatives analysis phase – the start of the project. The Project Manager initiates the AA process by developing a Purpose and Need statement. The goal of the early planning/AA phase is to identify the alternatives to be studied in the Draft EIS/EIR.

WHAT IS THE PURPOSE OF AN AA?

Under MAP-21(Moving Ahead for Progress in the 21st Century), comprehensive early planning for transportation projects is critical in streamlining the environmental process. It is a key step in defining the project **before** initiating the EIS/EIR process. Doing so avoids carrying numerous alternatives into the Draft EIS/EIR process.

Although not required under MAP-21, Metro conducts AA studies for all its major transportation projects as part of early planning. The AA Study:

- Identifies a specific transportation need.

- Identifies alternatives to address that specific need.

- Provides a comprehensive evaluation of the alternatives to identify the alternatives that best address the need for the project.

Early planning also promotes considering how the project will be funded early in the process.

NEPA and CEQA both require agencies to consider a reasonable range of alternatives that could accomplish the stated project need, purpose, and objectives. The AA Study provides documentation of the screening of alternatives and selection of alternatives to be carried into the Draft EIS/EIR. The AA Study needs to be concisely summarized in the Alternatives section of the EIS/EIR, with a brief discussion of the reasons for eliminating alternatives from further study.

The AA Study should result in the selection of the most reasonable alternatives, thus avoiding the analysis of numerous alternatives in the Draft EIS/EIR process.

WHERE SHOULD THE PROJECT MANAGER BEGIN?

Prior to initiating the AA Study, the Project Manager should gather as much information as possible about the project area and potential issues by reviewing past studies and talking to other Project Managers. This will:

- Familiarize the Project Manager with the project corridor/area

- Identify the key issues that historically have been challenges in the corridor/area

■ Provide information about resolution approaches for those challenges

The Metro Library has most of the transportation studies conducted within Los Angeles County. The Project Managers of past projects, as well as the Metro Librarian, are excellent resources.

WHO SHOULD BE INVOLVED IN THE AA PROCESS?

Engage stakeholders from day one to identify potential challenges early in project planning.

The AA Study marks the beginning of project planning, and the initiation of internal Metro coordination. This is the first opportunity for the Metro Project Planning Team to work together. The AA Study is also the initiation of public and agency outreach efforts. Figure 15 identifies the internal Metro and external stakeholders who should be involved in the AA process. It is important to engage diverse stakeholders in the AA process and to engage these stakeholders early. This will help to identify potential challenges early, rather than late, in the project planning process. See Chapter 4 of the Guide for a description of the Metro public outreach, agency coordination, and Native American Tribes consultation process, including outreach and coordination during the AA Study.

FIGURE 15: AA PROCESS STAKEHOLDERS

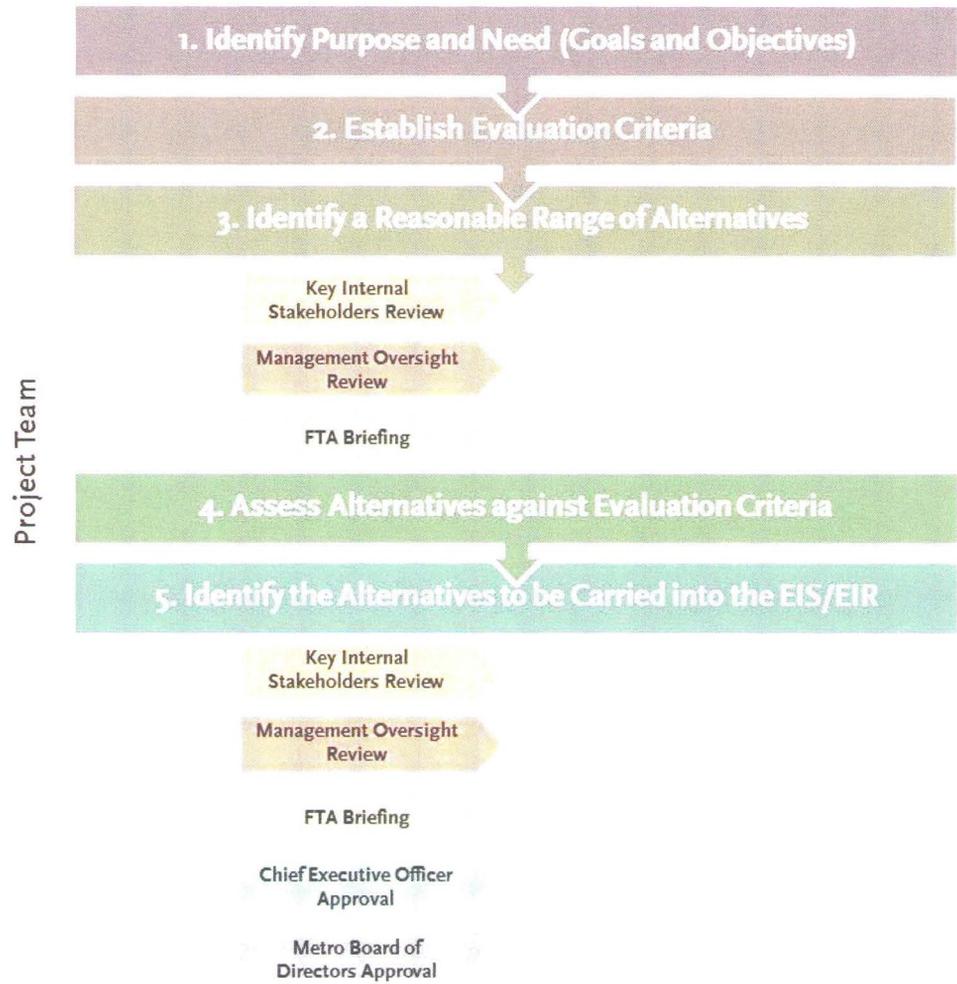| Metro	Public and Community	Agencies and Native Americans
• Project Team • Key Internal Stakeholders • Management Oversight • Community Relations • Operations • Construction Relations • Engineering and Construction • Chief Executive Officer • Metro Board of Directors	• Elected Officials • Homeowner and Residential Organizations • Community Organizations • Advocacy Groups • Business Community Organizations/ Representatives • General Public • Potential Users	• Federal Agencies, including FTA • State Agencies • SCAG • Councils of Governments • Cities and Counties • Native American Tribes • Schools • School Districts

WHAT ARE THE STEPS IN AN ALTERNATIVES ANALYSIS?

During the AA Study, alternatives are evaluated against established criteria to identify a reasonable range of alternatives that best meet the project's stated Purpose and Need. Figure 16 identifies the five major steps in the AA Study, which are described in more detail in the following sections. As shown:

- The Project Team works on and completes each step of the AA process.

- The Key Internal Stakeholders and the Management Oversight review the preliminary alternatives, as well as the Purpose and Need statement and evaluation criteria, before the Project Team begins to assess the alternatives.

- Once the Project Team identifies a reasonable range of alternatives, they are reviewed by the Key Internal Stakeholders and Management Oversight. At this point, the Project Team should meet with FTA to brief them on the Purpose and Need, evaluation criteria, and preliminary alternatives.

- Once the Project Team develops recommendations for alternatives to be carried into the Draft EIS/EIR, those recommendations are subject to review and approval by the Key Internal Stakeholders and Management Oversight. Following the Management Oversight approval, the Project Team should meet with FTA to brief them on the recommended alternatives to be carried into the Draft EIS/EIR.

- The recommendations are then presented to the Metro CEO and the Metro Board of Directors for their approval. The Metro Board of Directors must approve the recommendations and initiate the Draft EIS/EIR.

FIGURE 16: STEPS IN ALTERNATIVES ANALYSIS

Project Team

1. Identify Purpose and Need (Goals and Objectives)

2. Establish Evaluation Criteria

3. Identify a Reasonable Range of Alternatives

Key Internal Stakeholders Review

Management Oversight Review

FTA Briefing

4. Assess Alternatives against Evaluation Criteria

5. Identify the Alternatives to be Carried into the EIS/EIR

Key Internal Stakeholders Review

Management Oversight Review

FTA Briefing

Chief Executive Officer Approval

Metro Board of Directors Approval

WHAT IS THE ROLE OF THE PURPOSE AND NEED STATEMENT?

The Purpose and Need statement:

- Clearly and concisely states the **specific** transportation problem that the project is meant to address (a need for the project).

- Identifies **project-specific** objectives based on that need and Metro agency goals (a purpose of the project).

- Defines these objectives in clear, specific, and measurable terms.

- Sets up parameters for development of a reasonable range of alternatives to be analyzed in the AA.

- Serves as a basis for the development of evaluation criteria that will be used in screening of these alternatives.

Figure 17 illustrates how Metro goals and project-specific objectives inform the development of evaluation criteria and project alternatives.

The Purpose and Need statement has to be supported by data related to current and projected travel demand and markets, existing and planned transportation facilities and services, and current and forecasted transportation system performance.

The development of the Purpose and Need statement and project objectives is a collaborative effort with the Project Team and the Key Internal Stakeholders. Project Managers should also consult with FTA during the development of the Purpose and Need.

Consult with FTA during the development of the Purpose and Need Statement.

The Purpose and Need statement is of greatest importance in identifying the best alternatives and thus, carrying only those alternatives into the Draft EIS/EIR.

FIGURE 17: DEVELOPMENT OF EVALUATION CRITERIA AND PROJECT ALTERNATIVES

WHAT EVALUATION CRITERIA SHOULD BE USED TO SCREEN ALTERNATIVES?

As with the Purpose and Need, it is critical that the evaluation criteria are:

➢ *Specific to the project*
➢ *Unambiguous*

The evaluation criteria are based on the Purpose and Need statement for the project. They are used to measure how well each alternative meets the project's purpose, need, and objectives.

Typically, the evaluation criteria include - but are not limited to - the following categories:

- ■ Mobility benefits

- ■ Cost/financial feasibility

- ■ Constructability

- ■ Environmental considerations

- ■ Equity

- ■ Land use compatibility

- ■ Public opinion

- ■ Safety

If seeking New Starts funding, be sure to incorporate FTA's New Starts criteria into the evaluation criteria.

Table 7 provides examples of criteria that have been used for projects in the past.

Once the criteria for the project are in place, a set of measures (metrics), which must be specific to each individual project, is developed. These metrics are then used to evaluate and compare the alternatives.

TABLE 7: EXAMPLES OF EVALUATION CRITERIA

Possible Objective	Possible Criteria
Mobility Benefits	- Travel time savings - Trip reliability - Systemwide ridership - Project trips - Transit dependent benefits - System connectivity - Passenger convenience - Congestion relief
Cost/Financial Feasibility	- Construction cost - O&M cost - Cost effectiveness per new rider - Financial feasibility
Constructability	Construction impacts
Environmental Considerations	- Right-of-way impacts - Traffic and circulation - Visual/noise and vibration - Safety and security - Natural and cultural resources - Air quality/greenhouse gases/climate change - Sustainability - Geological issues
Equity	- Mobility for transit dependents - Environmental Justice communities
Land Use Compatibility	- Consistency with other plans - Existing land uses - Transit supportive land use plans and policies - Economic benefit
Public Support	Local support
Safety	Safety of system

WHAT IS A REASONABLE RANGE OF ALTERNATIVES TO CONSIDER?

A reasonable range of alternatives contains alternatives that would feasibly attain most of the basic objectives of the project. If the objectives identified in the Purpose and Need are not specific to the project, the range of alternatives could grow to massive proportions.

In developing a reasonable range of alternatives for transit projects, consider the following:

Consult with FTA in developing the reasonable range of alternatives.

- Transportation mode (bus rapid transit (BRT), light rail transit (LRT), heavy rail transit (HRT), etc.)

- Alignment location

- Alignment profile (at-grade, above-grade, below-grade)

- Station locations

- Other project components (parking, maintenance facility, etc.)

- Construction methods (single bore, cut and cover, etc.)

The Project Team presents the range of alternatives to the Key Internal Stakeholders, then to the Management Oversight for approval, and then briefs FTA prior to moving on to further steps in the AA process.

HOW ARE ALTERNATIVES TO CARRY INTO THE EIS/EIR SELECTED?

The alternatives carried into the Draft EIS/EIR:

- Best meet the project objectives

- Are financially feasible

- Are supported by the public and stakeholders

Figure 18 illustrates the concept of alternatives screening process to derive at the alternatives to be carried into the Draft EIS/EIR. Once a reasonable range of alternatives has been identified, the first step is to conduct a basic feasibility screening. If any alternatives are infeasible, they are eliminated from further study. The remaining alternatives are then screened against the qualitative and quantitative evaluation criteria identified earlier, and the most promising alternatives advance into the Draft EIS/EIR. Prior to the initiation of the Draft EIS/EIR, the alternatives should be refined based on engineering and financial feasibility.

Clear and reasonable explanations must be provided for every alternative dropped from further consideration.

The Chief Planning Officer and the Chief Executive Officer must approve the recommended alternatives before presenting the alternatives to the Metro Board of Directors. The Project Manager should also brief FTA in advance about the alternatives considered for inclusion in the Draft EIS/EIR.

HOW SHOULD THE ALTERNATIVES ANALYSIS BE DOCUMENTED?

The AA Study is a comprehensive report that is presented to the Metro Board and made available to the public.

At a minimum, the AA Study should include the following sections:

- History and Background

- Purpose and Need

- Definition of Alternatives

- Screening of Alternatives

- Recommended Alternatives

- Public Outreach Summary

Since the Administrative Record begins with the AA Study, it is critical to carefully document all decisions to demonstrate that a reasonable range of alternatives was considered and the selected alternatives best meets the stated goals and objectives.

*The AA Study must clearly state **why and how** alternatives were eliminated from consideration.*

The AA Study should:

- Be written clearly, concisely, and in plain language

- Use illustrations, charts, graphs, and maps to convey essential information

- Avoid using extensive tables to show similarities and differences among alternatives. Instead, use graphs (including bar graphs), maps, and graphic overlays to present this information.

- Put all detailed technical information in the appendices of the report

FIGURE 18: AA SCREENING PROCESS

ALTERNATIVES TO BE CARRIED INTO THE EIS/EIR
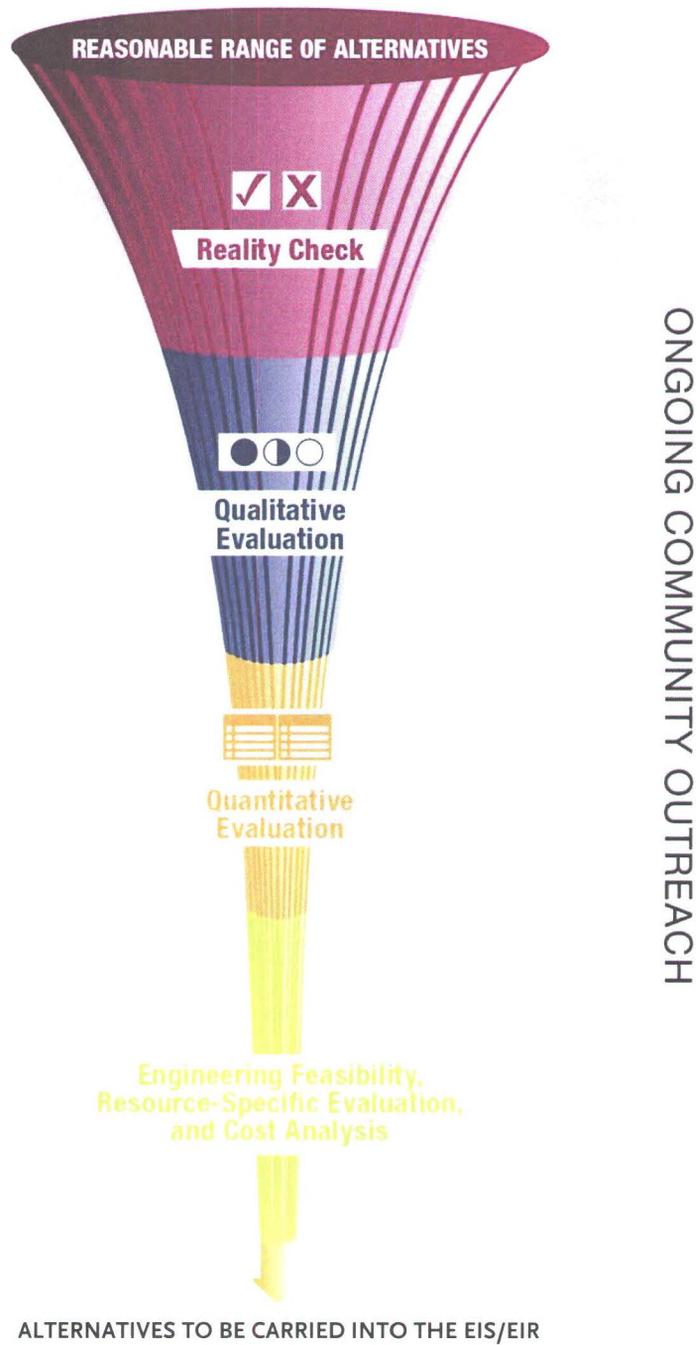
7.1 Project Manager Early Planning/AA Checklist

☐ Familiarize yourself with past Metro studies and issues of concern in the project corridor.

☐ Hold Project Kickoff Meeting.

☐ Identify and define the transportation problem you are trying to resolve.

☐ Develop a clear and concise Purpose and Need, in consultation with the Key Internal Stakeholders.

☐ Develop evaluation criteria based on the Purpose and Need.

☐ Identify a reasonable range of alternatives, in consultation with the Key Internal Stakeholders.

☐ Seek approval with the Key Internal Stakeholders and Management Oversight for the Purpose and Need, evaluation criteria, and development of alternatives before initiating early scoping.

☐ Brief FTA about the Purpose Need, evaluation criteria, and range of alternatives.

☐ Initiate early scoping activities with the public and key stakeholders.

☐ Screen the alternatives based on evaluation criteria identified in the Purpose and Need, as well as input received from early scoping activities.

☐ Refine alternatives/explore potential new alternatives based on early scoping and public comments.

☐ Identify refined alternatives, with input from the Key Internal Stakeholders, to be carried forward into the Draft EIS/EIR that best meets the project's stated objectives.

☐ Present alternatives to be carried into the Draft EIS/EIR to the Key Internal Stakeholders and Management Oversight.

☐ Brief the FTA about the selected alternatives to be carried into the Draft EIS/EIR.

☐ Present the alternatives to be carried into the Draft EIS/EIR to the CEO and the Metro Board.

☐ Share the alternatives with the public to be carried into the Draft EIS/EIR.

8 EIS/EIR STRUCTURE AND COMPONENTS

WHY DO METRO EIS/EIR DOCUMENTS NEED TO BE CONSISTENT?

All EIS/EIR documents for Metro projects should have a consistent framework, chapter organization, and format. This allows the reader and decision makers to quickly find information and more easily understand the conclusions of the EIS/EIR. Therefore, environmental documents for all Metro projects need to be structured consistently. To do so, Metro Project Managers should ensure that the EIS/EIR document follows the three core principles described in Figure 19.

FIGURE 19: EIS/EIR DOCUMENT CORE PRINCIPLES

1. Tell the Story

- Tell the story of the project so that the reader can easily understand what the purpose and need of the project is, and describe the strengths and weaknesses of each alternative.

2. Keep It Brief

- Keep the document as brief as possible by using clear, concise, plain language writing, and an easy-to-use format, effective graphics and visual elements. Discuss issues and impacts in proportion to their relative importance; do not include unnecessary details or repetitions.

3. Meet Legal Requirements

- Ensure that the document meets all legal requirements in a way that is easy to follow for regulators and technical reviewers.

WHAT DOES A READER-FRIENDLY DOCUMENT LOOK LIKE?

All Metro EIS/EIR documents should be written in a reader-friendly format. Language should be easily accessible to the public. A reader-friendly document:

A picture is worth a thousand words.

- Uses clear, concise, and plain language

- Synthesizes information instead of summarizing details

- Includes only relevant technical information and analyses

- Avoids subdividing each chapter or section into multiple subsections and sub-subsections

Refer to the Airport Metro Connector Alternatives Analysis for an example of a Metro reader-friendly document.

- Minimizes use of acronyms and technical language

- Utilizes graphics, including icons, charts, tables, and call-out boxes to reduce text wherever possible

- Uses consistent font style (Scala font), font size, and colors for headings

Since most people access the EIS/EIR on the Metro website, the document should be written to be web-friendly. All graphics should be compressed so that the files can be downloaded quickly off the web. Metro limits the size of documents on the website to 5 MB so for reader-friendliness, the breaks between posted documents should be in logical places, such as each chapter or each environmental resource area.

8.1 Draft EIS/EIR

WHAT IS THE CHAPTER STRUCTURE OF THE DRAFT EIS/EIR?

All Metro Draft EIS/EIR documents should follow the same chapter framework. The Draft EIS/EIR should follow the chapter framework presented in Figure 20.

FIGURE 20: DRAFT EIS/EIR CHAPTER FRAMEWORK

Beginning	• Cover Page, Title/Signature Page, Abstract, Preface, Table of Contents. Acronyms and Abbreviations, Glossary
Executive Summary	• Stand-alone section that provides a concise overview of content and findings in the Draft EIS/EIR.
1. Purpose and Need**	• Clear and concise statement of the purpose and need for the project.
2. Alternatives Considered	• Definition of the alternatives considered in the Draft EIS/EIR.
3. Transportation	• Identification of impacts and mitigations pertaining to transportation.
4. Affected Environment, Environmental Consequences, and Mitigation	• Identification of impacts and mitigations for each environmental resource area.
5. Section 4(f) Evaluation*	• If a Section 4(f) property will be used, documents that the Section 4(f) process was followed.
6. Cost and Financial Analysis*	• Financial statement, including capital and O&M cost estimates and financing plans.
7. Comparison of Alternatives	• Evaluation of alternatives under consideration to identify trade-offs that lead to selection of the LPA.
8. Public, Agency, and Tribal Outreach	• Summary of public outreach process and agency coordination activities.
End	• References, List of Preparers, List of Recipients

*Applies to NEPA documents only (EIS/EIR and EIS).

**In CEQA-only documents (EIRs) this chapter is "Project Description", where "purpose and need" become "project goals and objectives".

WHAT IS INCLUDED IN THE FRONT OF THE DRAFT EIS/EIR DOCUMENT?

In assembling the Draft EIS/EIR, there are a number of pieces that precede the Executive Summary:

- **Cover Page** – the cover page should feature the Metro art for the project. The cover page should include the project title, the document title, the state clearinghouse number, the date, and the Metro and FTA logos.

- **Title Page** – the title page includes the document title, project title, preparers (Metro and FTA), and the signatures of the Region 9 Administrator and the Metro CEO.

- **Preface**– the preface identifies the lead agencies, the State Clearinghouse number, and the project title, and provides a one page overview of the project and the EIS/EIR process. It also identifies where to send written comments or questions and the location and time of public hearings on the Draft EIS/EIR.

- **Table of Contents** – the table of contents identifies the location (by page numbers) of each chapter and section of the Draft EIS/EIR. The table of contents should also include a List of Figures and a List of Tables. If the document is split into multiple volumes, the table of contents should be divided up by volume. The table of contents should also identify all appendices or technical reports.

- **Acronyms and Abbreviations** – the list of acronyms and abbreviations defines acronyms used in the EIS/EIR. To make the document more reader-friendly, the number of acronyms should be minimized as much as possible.

- **Glossary** – the glossary defines technical terms used in the EIS/EIR. Again, the use of technical terms in the EIS/EIR should be minimized to the greatest extent possible.

WHAT IS INCLUDED IN THE EXECUTIVE SUMMARY?

The Executive Summary provides a concise overview of the content of the Draft EIS/EIR. The Executive Summary should clearly convey the essential information about project impacts, mitigation commitments, and level of impact after mitigation. The Executive Summary is often distributed as a stand-alone document to the public and decision-makers, and therefore should be written with this in mind.

The Executive Summary should generally follow the overall chapter structure of the Draft EIS/EIR:

- Introduction

- Purpose and Need

- Alternatives Considered

- Summary of Environmental Impacts and Mitigation Measures

- Comparison of Alternatives

In the Summary of Environmental Impacts and Mitigation Measures, include a high level Summary Table listing identified impacts and mitigation measures.

To produce a reader-friendly Executive Summary:

> Use a single column structure throughout the Executive Summary

> Use summary table with a minimal number of subdivisions/subsections

> Limit the length of the Executive Summary to no more than 50 pages

IMPACTS AND MITIGATION MEASURES SUMMARY TABLES

While it is preferable to have a single summary table that lists all impacts and mitigation measures, two summary tables are acceptable for projects that have numerous mitigation measures. One recommended approach is to prepare a separate table for construction impacts and mitigations, another for all other impacts and mitigations.

The summary table(s) should have the following 3 components:

- **Identified Impacts** – briefly list identified impacts in EIS/EIR for each resource area.

- **Mitigation Measures** – present full mitigation measures, i.e. as the measures are written. If listing of these measures as written would add length beyond 50 pages to the Summary chapter, the measures can be abbreviated in the summary table (e.g.: "traffic control plans" – rather than the full text of traffic control plan mitigation as written in Chapter 3, Transportation, of the Draft EIS/EIR).

- **Impact Remaining After Mitigation** – identify both the NEPA and the CEQA conclusions (e.g.: NEPA: substantial impact/CEQA: significant impact; NEPA: minimal impact/CEQA: less than significant impact; NEPA: no adverse impact/CEQA: less than significant impact, etc.).

WHAT IS INCLUDED IN CHAPTER 1 - PURPOSE AND NEED?

Chapter 1 of the Draft EIS/EIR sets forth the Purpose and Need of the project. The Purpose and Need is developed during the Early Planning/Alternatives Analysis stage and is refined for the Draft EIS/EIR. A strong Purpose and Need statement:

- Clearly and concisely states the **specific** transportation problem that the project is meant to address (a need for the project).

- Identifies **project-specific** objectives based on that need and Metro agency goals (a purpose of the project).

- Defines these objectives in clear, specific, and measurable terms.

- Serve as a basis for evaluation of alternatives considered in the Draft EIS/EIR.

The Purpose and Need chapter should generally follow the following structure:

- **History and Background** – overview of the history of transit development in the corridor, including any previous planning studies.

- **Description of Project Area/Corridor** – summary of the characteristics of the project area/corridor, including socioeconomic demographics, population and employment densities, major activity centers, and regional context.

- **Transportation System and Performance** – description of the existing transportation network serving the corridor, major travel markets to, from, and within the corridor, and current transit service and usage.

- **Project Purpose and Need Statement** – identify the project purpose, need for the project, and project goals and objectives. The goals and objectives inform evaluation criteria and screening of alternatives.

WHAT IS INCLUDED IN CHAPTER 2 - ALTERNATIVES CONSIDERED?

Chapter 2 defines the alternatives considered in the Draft EIS/EIR. Chapter 2 should generally be structured as follows:

- **Development and Screening of Alternatives** – brief overview of development of alternatives during the Early Planning/AA phase and screening of alternatives for inclusion in the Draft EIS/EIR.

- **Alternatives Evaluated in the Draft EIS/EIR** – detailed description of each alternative considered in the Draft EIS/EIR. In addition to the Build Alternatives, this section will include a description of the No Build Alternative.

The development and screening of alternatives description should be kept brief and concise. The focus of Chapter 2 is the definition of alternatives. The description of the Build Alternatives should include all elements of each alternative, including maintenance facilities, operating plans, and construction methods. Chapter 2 should include alignment maps, station site plans, and any other graphics that will help the reader easily understand the alternatives under consideration.

WHAT IS INCLUDED IN CHAPTER 3 - TRANSPORTATION?

Chapter 3 of the Draft EIS/EIR addresses all impacts and mitigation measures associated with transportation issues, including impacts to:

- Traffic

- Transit

- Parking

- Bicycle and pedestrians

Due to the volume of information associated with the transportation analyses, these topic areas are addressed in a standalone chapter. In addition, the Transportation Chapter should address whether the alternatives are compatible with various Metro transportation plans and policies, including the Metro Complete Streets Policy, the First Last Mile Strategic Plan, and the Countywide Sustainability Planning Policy and Implementation Plan.

WHAT IS INCLUDED IN CHAPTER 4 - AFFECTED ENVIRONMENT, ENVIRONMENTAL CONSEQUENCES, AND MITIGATION?

Chapter 4 of is the focus of the Draft EIS/EIR. This chapter identifies the impacts and mitigation measures of each alternative on each resource area discussed in the document. Chapter 4 should be structured as shown in Figure 21.

FIGURE 21: EIS/EIR CHAPTER 4 STRUCTURE - AFFECTED ENVIRONMENT, ENVIRONMENTAL CONSEQUENCES, AND MITIGATION

Section Number	Section Title
4.1	Land Use
4.2	Displacement and Relocation
4.3	Community and Neighborhoods**
4.4	Visual Quality
4.5	Air Quality
4.6	Greenhouse Gas Analysis***
4.7	Noise and Vibration
4.8	Energy
4.9	Geologic Hazards
4.10	Hazardous Waste and Materials
4.11	Ecosystems/Biological Resources
4.12	Water Resources
4.13	Safety and Security
4.14	Parklands and Community Services and Facilities
4.15	Historic, Archaeological, and Paleontological Resources
4.16	Construction Impacts and Mitigation
4.17	Environmental Justice*
4.18	Growth-Inducing Impacts
4.19	Cumulative Impacts
4.20	Irreversible and Irretrievable Commitments of Resources
4.21	Anticipated Permits and Approvals

* Applies to NEPA documents only (EIS/EIR and EIS)

** In CEQA-only documents (EIR) this section is "Communities, Population, and Housing"
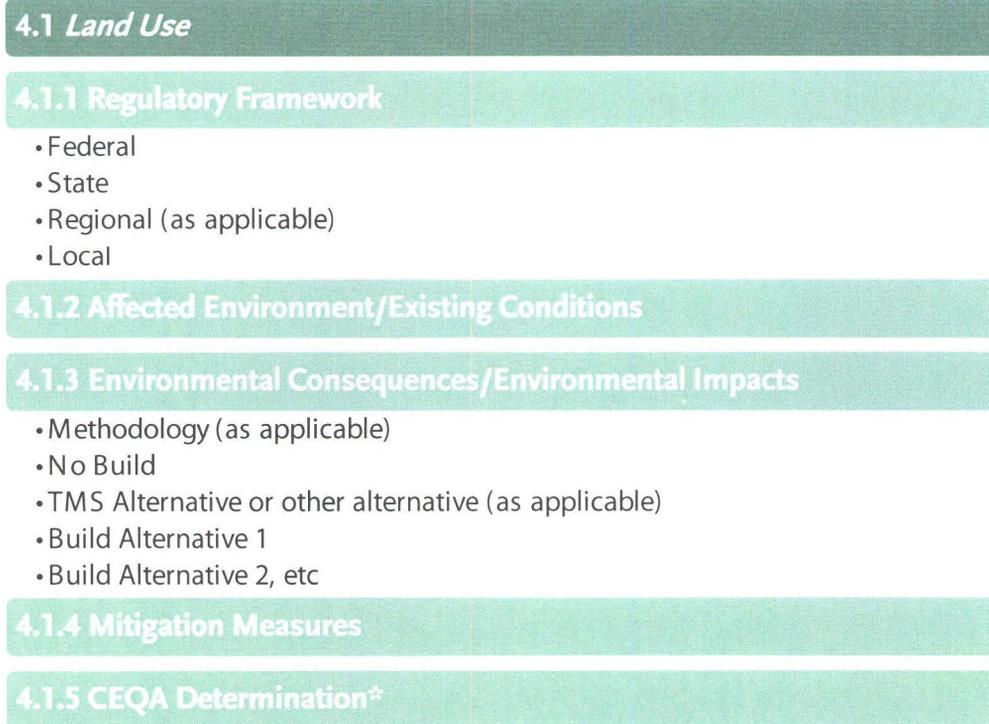
***Guidance for Greenhouse Gases (GHGs) has been amended

> ➤ To assist in navigation of this largest chapter of Draft EIS/EIR, consider using icons to identify each section (i.e. air quality, noise, etc.), so the reader (and reviewer) does not need to refer back to the table of contents in order to find a given section.
> ➤ The write-up of each section should not exceed 20 pages.

With the exception of Construction Impacts, Environmental Justice, Growth-Inducing, Cumulative, and Irreversible Commitments, each section should be structured as shown in Figure 22.

FIGURE 22: EIS/EIR CHAPTER 4 STRUCTURE OF INDIVIDUAL SECTIONS

4.1 *Land Use*

4.1.1 Regulatory Framework

- Federal
- State
- Regional (as applicable)
- Local

4.1.2 Affected Environment/Existing Conditions

4.1.3 Environmental Consequences/Environmental Impacts

- Methodology (as applicable)
- No Build
- TMS Alternative or other alternative (as applicable)
- Build Alternative 1
- Build Alternative 2, etc

4.1.4 Mitigation Measures

4.1.5 CEQA Determination*

*Applies to NEPA documents only (EIS/EIR and EIS)

Remember to check for updates to laws and regulations. The Guide's references section provides links to the most recent guidance.

REGULATORY FRAMEWORK

The Regulatory Framework provides a brief overview of the relevant laws and policies that govern each resource area. The description of each of federal, state, and regional laws and policies should be concise and focused – ideally accommodated with a very short paragraph, and should be consistent across all Metro EIS/EIR documents. The local policies will vary from project to project depending on which jurisdictions the project passes through.

AFFECTED ENVIRONMENT/EXISTING CONDITIONS

The affected environment/existing conditions describes the relevant conditions in the project area/ corridor for each resource area addressed in Chapter 4.

ENVIRONMENTAL CONSEQUENCES/ENVIRONMENTAL IMPACTS

The environmental consequences/environmental impacts identify the impacts associated with each alternative under consideration.

Avoid dividing these sections into multiple subsections, sub-subsections as this makes the document unreadable as well as much lengthier.

If it is needed to describe the methodology used in the impact analysis (ex. noise air quality, GHG), a brief methodology overview can be included at the beginning of the environmental consequences/environmental impacts analysis.

Each alternative should be discussed separately in its own subsection to clearly identify the impacts associated with that alternative. If there are options in addition to alternatives, those should also be discussed in their own subsections.

The discussion of impact analysis in the Draft EIS/EIR should be clear and concise. The results of technical analyses should be synthesized rather than just summarizing technical details to aid the reader in focusing on specific relevant information.

To keep the EIS/EIR clear and concise, just reference technical details.

All other technical information and data should be reserved for supporting technical reports which are included as appendices to the Draft EIS/EIR. These reports are incorporated into the body of the Draft EIS/EIR by reference.

Impacts are discussed further in Chapter 9 of the Guide.

MITIGATION MEASURES

For each resource area, list the identified necessary mitigations for substantial/significant impacts. This section should be brief and list the mitigation required for each alternative. Not all mitigations will apply to all alternatives, so it is important to differentiate. Even if there are no significant impacts and no mitigation is required, a brief statement saying so is necessary in this section.

If no impacts are identified, there should be no mitigation measures.

Mitigation measures are discussed further in Chapter 9 of the Guide.

CEQA DETERMINATION

CEQA Determination applies only to EIS/EIR and EIS documents, and not to CEQA-only (EIR) documents.

A separate CEQA determination should be provided at the end of each section to make a clear distinction between the NEPA and CEQA findings. The CEQA determination also identifies the level of impact remaining after the implementation of proposed mitigation for each alternative under consideration.

WHAT IS INCLUDED IN CHAPTER 5 - SECTION 4(f)?

Chapter 5 applies only to EIS/EIR and EIS documents, and not to CEQA-only (EIR) documents.

Chapter 5 of the Draft EIS/EIR presents Section 4(f) evaluation (if applicable to the project). Section 6.2 of the Guide provides an overview of the Section 4(f) process. A stand-alone Section 4(f) Report should also be prepared. That report includes all detail supporting the information presented in this Draft EIS/EIR chapter. The Section 4(f) chapter is structured differently from the other resource areas as follows:

- **Section 4(f) Evaluation Overview** – provides a brief description of Section 4(f) requirements.

- **Description of Section 4(f) Properties** – describes each Section 4(f) property and resource that would be subject to use/occupancy by any alternative under consideration.

- **Potential Use of Section 4(f) Properties** – discusses each alternative's impact on the Section 4(f) property.

- **Avoidance Alternatives** – demonstrates that avoidance alternatives to the project have been evaluated to determine whether or not an avoidance alternatives are feasible and prudent.

- **Measures to Minimize Harm** – addresses all possible measures to minimize harm, including a separate discussion of each impact to a Section 4(f) property.

- **Agency Coordination and Consultation** – document s coordination with the officials with jurisdiction over the Section 4(f) property and DOI.

If no historic properties or parklands protected under Section 4(f) will be affected by any of the alternatives in any way, a Section 4(f) chapter is not necessary. However, these findings should be documented in the Historic, Archaeological, and Paleontological Resources and Parklands and Community Facilities sections.

WHAT IS INCLUDED IN CHAPTER 6 - COST AND FINANCIAL ANALYSIS?

Chapter 6 applies to EIS/EIR and EIS documents, and not to CEQA-only (EIR) documents.

Chapter 6 of the Draft EIS/EIR presents the capital cost estimate, operating and maintenance (O&M) cost estimate, and the financial analysis for each

alternative. The Cost and Financial Analysis chapter should be structured as follows:

- **Cost Estimate Methodology** – overview of the capital cost and O&M cost estimating methodologies.

- **Capital Plan** – capital cost estimate for each alternative under consideration, including contingencies, proposed federal, state, and local capital funding sources, and an evaluation of Metro's financial capacity to build each alternative.

- **Operating and Maintenance Plan** – annual O&M cost estimate for each alternatives and Metro's ability to fund the additional O&M costs.

- **Risks and Uncertainties** – identifies any cost estimate risks or funding uncertainties, such as federal funding availability, revenue risk, or construction cost risk.

If the project might be constructed in phases due to funding availability, the phasing schedule should also be discussed in the Cost and Financial Analysis Chapter.

WHAT IS INCLUDED IN CHAPTER 7 - COMPARISON OF ALTERNATIVES?

Chapter 7 of the Draft EIS/EIR provides a comparison of alternatives under consideration using both quantitative and qualitative metrics. The evaluation criteria used for this comparison should be the same as used in the AA screening process. If New Starts federal funding is being pursued, the evaluation criteria should be informed by the New Starts criteria.

The chapter structure should generally be organized as follows:

- **Evaluation Methodology** – defines goals, objectives, and evaluation measures used in comparison of alternatives.

- **Evaluation Results** –presents comparison of alternatives for each evaluation measure.

The findings of the analysis should be presented in a single summary table, which allows for easy comparison across alternatives. A staff recommendation should NOT be included in the Draft EIS/EIR as the LPA will be selected by the Metro Board following the public review period.

WHAT IS INCLUDED IN CHAPTER 8 – PUBLIC, AGENCY, AND TRIBAL OUTREACH?

Chapter 8 of the Draft EIS/EIR documents the public participation, agency coordination, and tribal consultation processes. The chapter should generally be organized as follows:

- **Public Outreach Techniques/Program Elements** –overview of the resources identified in the Public Participation Plan and outreach techniques used throughout the planning process, such as identification of stakeholders and elected officials and descriptions of outreach materials.

- **Government and Agency Consultation** – summary of agency coordination processes, including Section 106 and tribal consultations.

- **Community Outreach During Early Planning/AA**– description of outreach activities undertaken during the Early Planning/AA phase, including community meetings, stakeholder briefings, elected official briefings, and any other ongoing outreach activities.

- **Community Outreach During Draft EIS/EIR**– description of outreach activities undertaken during the Draft EIS/EIR phase, including scoping meetings, community meetings, stakeholder briefings, elected official briefings, and any other ongoing outreach activities. This section should include a brief summary of comments received during the scoping period.

WHAT IS INCLUDED IN THE BACK OF THE EIS/EIR?

At the conclusion of the Draft EIS/EIR, the following pieces should be provided:

- **References** – the references section identifies all documents and reports referenced in the Draft EIS/EIR.

- **List of Preparers** – the List of Preparers identifies all agency (FTA and Metro) and consultant staff (including subconsultants) involved in the preparation of the Draft EIS/EIR.

- **List of Recipients** – the List of Recipients lists the contact person and contact information for all federal, state, county, city, regional, and other agencies who received copies of the Draft EIS/EIR.

WHAT IS INCLUDED IN THE APPENDICES AND TECHNICAL REPORT?

To keep the Draft EIS/EIR concise, most of the technical details and documentation should be reserved for the appendices containing technical reports. The following are examples of technical reports for an EIS/EIR:

- Air Quality Technical Report

- Climate Change Technical Report

- Community and Neighborhood Technical Report

- Comparative Benefits and Costs Analysis Technical Report (for NEPA documents only)

- Construction and Mitigation Technical Report

- Cost and Financial Analysis Technical Report (for NEPA documents only)

- Cumulative Impact Assessment Technical Report

- Cultural Resources Technical Report

- Economic and Fiscal Impacts Analysis and Mitigation (for NEPA documents only)

- Ecosystems and Biological Resources Technical Report

- Energy Technical Report

- Environmental Justice Technical Report (for NEPA documents only)

- Geotechnical and Hazardous Materials Technical Report

- Growth Inducing Impacts Technical Report

- Hydrology and Water Quality Technical Report

- Land Use and Development Opportunities Technical Report

- Noise and Vibration Technical Report

- Parklands and Other Community Facilities Technical Report

- Public Participation and Community Outreach Report

- Real Estate and Acquisitions Technical Report

- Safety and Security Hazards and Threat Assessment Technical Report

- Section 4(f) Evaluation Technical Report (for NEPA documents only)

- Transportation Impacts Report

- Visual and Aesthetics Impacts Report

This list is not exhaustive. Each project is unique and may require a different set of technical reports to reflect the analysis done for that particular project. The Final EIS/EIR may have additional addendums or updates to the technical reports.

In addition to the technical reports, the following should be included in appendices:

- Notice of Intent/Notice of Preparation/Notice of Availability/Notice of Completion

- Memorandum of Agreements (MOAs) and Section 106 Correspondence (if applicable)

- Plan and Profile and Station Site Plans

- Construction Methods

- Response to Comments (Final EIS/EIR)

- Mitigation Monitoring and Reporting Plan (Final EIS/EIR)

8.2 Final EIS/EIR

HOW DOES THE FINAL EIS/EIR DIFFER FROM THE DRAFT EIS/EIR?

The Final EIS/EIR differs from the Draft EIS/EIR in three important ways as it:

- Focuses on the LPA

- Responds to comments from the public, agencies, and tribes on the Draft EIS/EIR

- Commits Metro to implementation of mitigation measures

- If necessary, addresses any new alternative identified as a result of comments on the Draft EIS/EIR

WHAT IS THE CHAPTER STRUCTURE OF THE FINAL EIS/EIR?

The Final EIS/EIR follows the same general chapter structure as the Draft EIS/EIR with the addition of a chapter addressing comments received on the Draft EIS/EIR (Chapter 9). The chapter structure of the Final EIS/EIR is presented in Figure 23, along with the major differences between the Final EIS/EIR and Draft EIS/EIR for each chapter. Most chapters will need to be updated to focus only on the LPA as opposed to multiple alternatives.

FIGURE 23: FINAL EIS/EIR CHAPTER STRUCTURE

Beginning	• Update the Preface to summarize the Final EIS/EIR as appropriate.
Executive Summary	• Update the Executive Summary to focus on the LPA and to summarize the Final EIS/EIR as appropriate.
1. Purpose and Need	• No major changes.
2. Alternatives Considered	• Define the No Build and LPA • Add section describing how LPA was selected
3. Transportation	• Focus analysis on the No Build and LPA
4. Affected Environment, Environmental Consequences, and Mitigation	• Focus analysis on the No Build and LPA
5. Section 4(f) Evaluation*	• Add statement that no feasible and prudent alternatives exist and that the LPA includes all possible planning to minimize harm and causes the least overall harm
6. Cost and Financial Analysis*	• Focus only on the LPA • Includes statement of financial commitment for capital and O&M costs for LPA
7. Comparison of Alternatives	• Compare only the LPA to the No Build
8. Public and Agency Outreach	• Add summary of activities undertaken since the publication of the Draft EIS/EIR, including Draft EIS/EIR circulation and public hearings
9. Responses to Comments on Draft EIS/EIR	• New chapter that provides overview of comments and responses to comments on Draft EIS/EIR
End	• Update as appropriate

*Applies to NEPA documents only (EIS/EIR and EIS)

HOW ARE ALTERNATIVES ADDRESSED IN THE FINAL EIS/EIR?

The Final EIS/EIR addresses the No Build and LPA alternatives. All other alternatives considered in the Draft EIS/EIR are not addressed any further in the Final EIS/EIR impact analyses.

Chapter 2 of the Final EIS/EIR should provide an overview of the how the LPA was selected and why other alternatives were dropped from further consideration. This is the only place in the Final EIS/EIR that mentions the Draft EIS/EIR's other alternatives.

HOW ARE CHANGES FROM THE DRAFT EIS/EIR INCORPORATED?

At the beginning of each chapter or section of the Final EIS/EIR, provide a brief summary of any substantive changes made subsequent to the publication of the Draft EIS/EIR. If the changes are minor, use a line in the margins to indicate where text has been changed.

WHAT IS INCLUDED IN CHAPTER 9 - RESPONSES TO COMMENTS ON THE DRAFT EIS/EIR?

Chapter 9 of the Final EIS/EIR provides an overview of comments received on the Draft EIS/EIR and responses to the comments. It includes a summary of major comment themes that emerged, thematic responses that address broad issue areas where there was extensive public comment, and project refinements that occurred as a result of comments received on the Draft EIS/EIR.

Individual comments and responses should be included in the Final EIS/EIR as an appendix. The appendix should organize comments as follows:

- Federal agencies
- State agencies
- Local agencies
- Groups/Organizations
- Elected officials
- Public hearings
- Individuals (sorted alphabetically)

Sample responses to comments are provided in Section 11.8 of the Guide.

8.3 Project Manager EIS/EIR Structure and Components Checklist

DRAFT EIS/EIR

☐ Work with consultant to prepare an outline of the Draft EIS/EIR that follows the Metro structure for Draft EIS/EIR documents.

☐ Review technical reports and Draft EIS/EIR individual chapters or sections as the consultant prepares them for content, format, and consistency.

☐ Make sure the Draft EIS/EIR is written in a reader-friendly manner that follows the guidance on page 107 of the Guide.

☐ Check that the Executive Summary is consistent with the findings of the Draft EIS/EIR.

FINAL EIS/EIR

☐ Check that the structure of the Final EIS/EIR follows the structure for Metro documents.

☐ Check that the summary of comments and responses to comments are provided in a new chapter (i.e. Chapter 9) and that the individual comments and responses are provided in an appendix.

☐ Check that refinements to LPA are incorporated into the LPA analyzed in the Final EIS/EIR.

☐ Ensure that the Final EIS/EIR analysis focuses on the No Build and LPA.

☐ Check that the Final EIS/EIR clearly describes or indicates changes made as a result of refinement to LPA and comments received on the Draft EIS/EIR.

9 IMPACTS, MITIGATIONS, AND BETTERMENTS

9.1 Impact Analysis and Mitigation Measures Development

HOW IS THE IMPACT ANALYSIS AND DEVELOPMENT OF MITIGATIONS MANAGED?

The management process for impacts and mitigations consists of the seven steps illustrated in Figure 24.
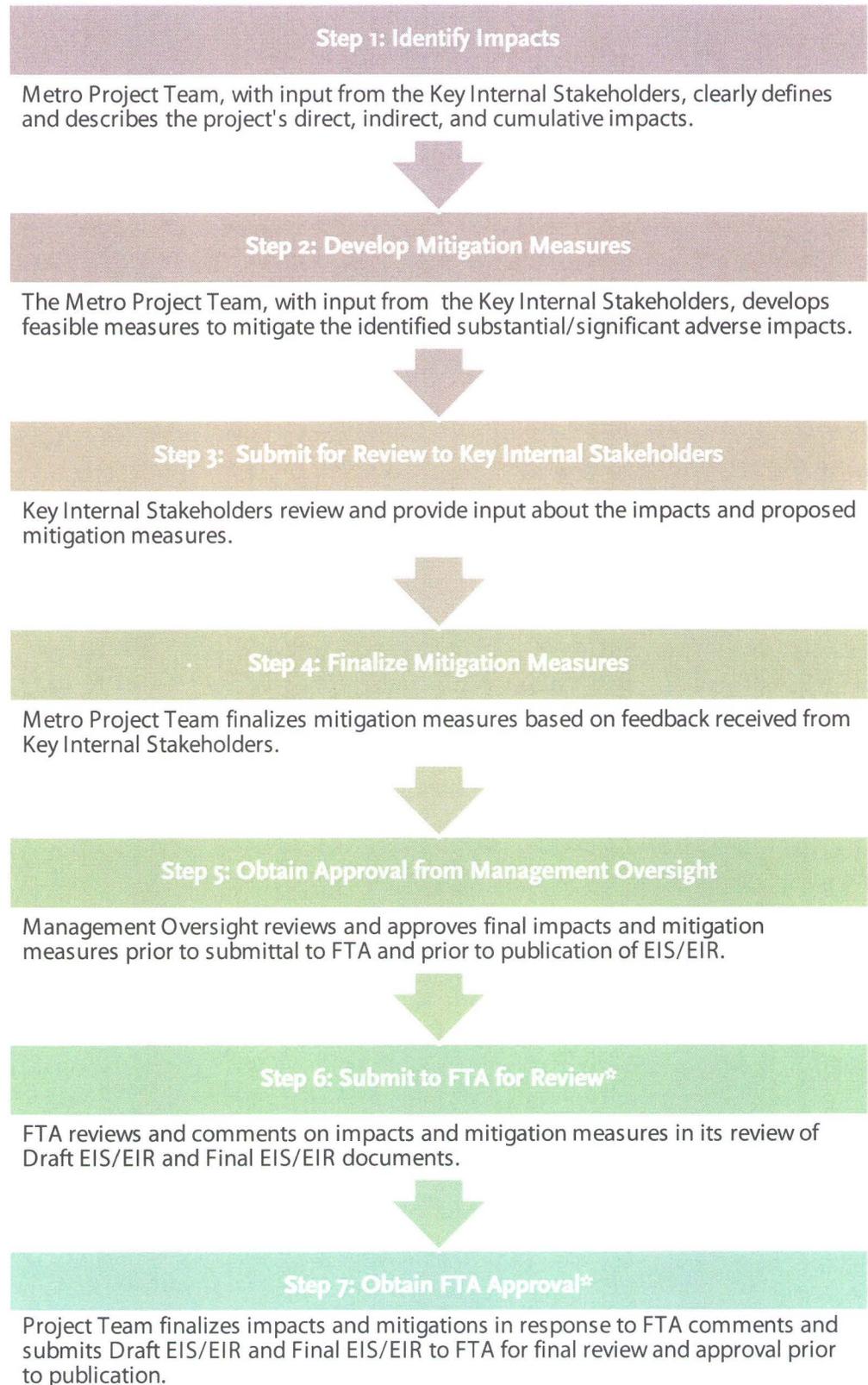
The Metro Project Team, with input from the Key Internal Stakeholders, is responsible for managing the identification of impacts and development of appropriate mitigation measures.

Once the Metro Project Team has developed a set of feasible mitigations, the mitigation measures are reviewed by the Key Internal Stakeholders and then by the Management Oversight (Executive Management and Chief Planning Officer). The review focuses on appropriateness of mitigations in addressing the project's unique characteristics and features, as well as on consistency of mitigation measures, to ensure that similar impacts are mitigated across different projects and corridors with measures that are proven and consistent. As each mitigation measure is a precedent for future projects and corridors, it must be carefully considered by the Project Team and Key Internal Stakeholders before submitting to Management Oversight for review.

Once Management Oversight approves the impacts and mitigation measures, the entire EIS/EIR document is submitted to FTA for review prior to the publication of the Draft and Final documents. Keep in mind that a minimum of two rounds of review by FTA are involved. In some instances there could be additional reviews needed to finalize impacts and mitigations.

FIGURE 24: MANAGING IMPACT ANALYSIS AND DEVELOPMENT OF MITIGATION MEASURES

Step 1: Identify Impacts

Metro Project Team, with input from the Key Internal Stakeholders, clearly defines and describes the project's direct, indirect, and cumulative impacts.

Step 2: Develop Mitigation Measures

The Metro Project Team, with input from the Key Internal Stakeholders, develops feasible measures to mitigate the identified substantial/significant adverse impacts.

Step 3: Submit for Review to Key Internal Stakeholders

Key Internal Stakeholders review and provide input about the impacts and proposed mitigation measures.

Step 4: Finalize Mitigation Measures

Metro Project Team finalizes mitigation measures based on feedback received from Key Internal Stakeholders.

Step 5: Obtain Approval from Management Oversight

Management Oversight reviews and approves final impacts and mitigation measures prior to submittal to FTA and prior to publication of EIS/EIR.

Step 6: Submit to FTA for Review*

FTA reviews and comments on impacts and mitigation measures in its review of Draft EIS/EIR and Final EIS/EIR documents.

Step 7: Obtain FTA Approval*

Project Team finalizes impacts and mitigations in response to FTA comments and submits Draft EIS/EIR and Final EIS/EIR to FTA for final review and approval prior to publication.

*Only applies to NEPA documents (EIS/EIR and EIS)

How are Impacts Identified?

➢ **STEP 1: Metro Project Team, with input from the Key Internal Stakeholders, clearly defines and describes the project's direct, indirect, and cumulative impacts.**

The process starts with the consultant team conducting technical studies and impact analyses for all environmental resource areas discussed in the EIS/EIR (see Chapter 8, EIS/EIR Structure and Components). To identify impacts, the consultant team works closely with the Project Manager, Metro Planning staff, and Metro Community Relations – who are the members of the Metro Project Team. The entire team meets on a regular weekly or biweekly basis to discuss the progress of the impact analyses, address and resolve issues as needed, and develop clear description of potential impacts. Members of the Key Internal Stakeholders need to be invited to regular Project Team meetings on an as-needed basis to provide input on specific impacts and issues that Engineering and Construction, Construction Relations, Civil Rights, Environmental Compliance, Ridership Modeling, Regional Programming, Real Estate, Operations, and/or County Counsel has special expertise and experience.

As the work progresses, the consultant team submits technical studies and impact analyses for each resource area that identify and describe potential impacts to the Project Manager and the project management team to review. While the consultant team conducts the analyses, it is for the Project Manager and management team to agree or not to agree with the conclusions of those analyses - as the identification of impacts is ultimately under the "ownership" of the Project Manager and management team. In the review of technical reports and impact analyses, the Project Manager needs to include the Key Internal Stakeholders, who are also responsible for reviewing and commenting on technical reports as appropriate for their disciplines.

Each project is unique and each project will have unique impacts specific to its design, location, and characteristics. There is no "one fits all" formula for identifying impacts. However, in working with the Project Team and Key Internal Stakeholders on the identification of impacts, the Project Manager needs to pay special attention to the following:

Each project is unique and each project will have unique impacts specific to its design, location, and characteristics. There is no "one fits all" formula for identifying impacts.

■ As each project is unique, the impact **analysis must be project-specific,** location-specific, and even site-specific for some project elements such as station locations, construction areas, etc.

■ The impact analyses for projects near a school, park, cemetery, or an uncommonly sensitive use need to be exceptionally thorough and comprehensive, and include additional input from County Counsel and Construction Relations.

- Identified **impacts must be project-specific;** the fact that an EIS/EIR for a previous project considered some impacts to be significant may or may not be true for this project.

- While the impact analysis typically focuses on the project's adverse environmental impacts, the project can have both adverse impacts and beneficial impacts. The beneficial impacts need to be identified as part of the impact analysis and clearly stated as such in the EIS/EIR, including in the Executive Summary.

- The impact analysis needs to be clear, concise, and written in plain language.

  ✓ The information presented in the EIS/EIR needs to synthesize relevant information, and not summarize, details of technical studies.

  ✓ Technical details can be referenced if needed in text, while technical studies containing these details are put in the appendices to the EIS/EIR.

  ✓ Impacts analysis should have a simple structure so impacts are not divided and subdivided into a multitude of smaller categories.

HOW ARE CONSTRUCTION IMPACTS ADDRESSED?

Construction impacts are among the most common impacts for all projects, and therefore:

- All construction impacts and mitigations need to be addressed in its own separate "Construction Impacts and Mitigations" section in Chapter 4 of the EIS/EIR.

- Project Managers need to be aware of and consider early the five top construction impacts: trees, parking, noise/vibration, traffic and dust. Work with Construction Relations and Construction Managers in addressing these impacts.

- In addressing construction impacts on nearby uses, the potentially affected businesses need to be thoroughly identified as the duration, type, and intensity of construction may have different impacts on businesses than other land uses.

- In addressing impacts on trees ensure that the consultant team checks for and addresses trees that may be of special importance to the community (for example trees that were planted in memory or as commemoration of an event, etc.) in addition to addressing trees

protected by federal, state, and local laws and regulations. If there are such trees, the consultant team needs to conduct a tree inventory.

■ Construction impacts are considered to be short-term impacts. However, if construction is projected to continue for 2 or more years at a given location with sensitive uses and/or operating businesses, consult with the County Counsel about it.

■ If construction continues for 5 years or more within the project area/corridor, ensure that appropriate methodologies are used in an impact analysis (for example a different air quality modeling needs be conducted for a construction period of 5 or more years as part of NEPA impact analysis).

WHAT IMPACTS REQUIRE MITIGATION?

The identified substantial/significant adverse impacts require mitigation. Impacts identified as not substantial/less than significant do not require mitigation.

If a specific impact which is identified as a less significant in the EIS/EIR raises a high level of demand to provide mitigation notwithstanding that mitigation is not required, consult with the County Counsel.

"Impact Criteria" are used to identify which impacts are substantial/significant and which impacts are not. These criteria are based on federal, state, and local laws, regulations, and guidance for each environmental resource area addressed in the EIS/EIR, and they are listed in the impact analyses prepared by the consultant team. The Project Manager and Project Team members need to review the impact criteria to ensure that they are appropriate to the project's unique components, features, and characteristics. The Project Manager can also seek input from Key Internal Stakeholders to clarify the appropriateness of impact criteria, as needed.

HOW ARE MITIGATION MEASURES DEVELOPED?

➢ STEP 2: The Metro Project Team, with input from the Key Internal Stakeholders, develops feasible measures to mitigate the identified substantial/significant adverse impacts.

The process of developing mitigation measures follows the same path as the process of identifying impacts. Once the impacts are identified, the consultant team develops mitigation measures working closely with the Project Manager, Metro Planning staff, and Metro Community Relations, and with input from the Key Internal Stakeholders.

To aid in the development of mitigation measures that are consistent and feasible, the Project Manager should include Construction Relations throughout the development of all mitigation measures, as well as involve

Communicate to the public the purpose of mitigation measures, and explain when mitigation is or is not necessary. This will help to avoid the potential for a perception that concerns and/or sensitive contexts had not been fully addressed. This can be done during of the public outreach process for Draft EIS/EIR.

Construction Managers since inconsistencies, unclear mitigation, etc. for construction impacts, can affect the project's implementation schedule and budget.

As the work progresses, the consultant team submits impact analyses with identified mitigations for each resource area to the Project Manager and the project management team to review. As with the identification of impacts, in the review of mitigation measures, the Project Manager needs to include other members of the Key Internal Stakeholders.

In working with the Project Team, Construction Relations, Construction Managers and other members of the Key Internal Stakeholders to develop mitigation measures, the Project Manager needs to pay special attention to the following:

Before developing mitigation measures, the Project Manager and the Project Team need to review mitigations provided for other projects. Mitigations that were provided for recent projects are often considered by many to be the "baseline" for future projects.

- **Mitigations must fit the project's specific impacts and community.** This means learning from, but not replicating, mitigations developed for other projects.

- **Mitigation measures must be developed with feasibility and some measure of performance/performance criteria in mind.** If a precise mitigation measure cannot be identified (i.e., precise location, precise features, precise timing, etc.), a performance standard needs to be included so that the implementation of the mitigation will not be postponed due to the lack of clarity. Performance criteria spell out what the result of the mitigation is to be – what the mitigation measure will accomplish (i.e. noise walls and/or other equivalent measures will be implemented to reduce noise levels to (*specific number*) dB(A) at a distance of (*specific number)* feet). Performance criteria needs to be included in programmatic measures and broader measures because mitigation measures that are too broad and do not include performance criteria could result in the construction team not being able to carry out what the planning team envisioned. Follow-through from planning to implementation is critical to avoid costly re-work.

- **Performance criteria need to be measureable so quantitative criteria are preferable.** However, qualitative performance criteria can also be used. The following are examples of qualitative performance criteria:
  - ➢ *During construction access for property owners to property within the construction area will be maintained at a level that maintains viability of the property for its use prior to initiation of the project construction, or an alternative access that maintains the viability of the property use as it was used prior to the initiation of project construction will be provided.*

> *During construction water or a stabilizing agent will be applied to exposed surfaces in quantities sufficient to prevent generation of dust plumes.*

■ **Spell out standards by which the mitigation will be measured.** For example:

> *When mitigating for the construction noise impacts, spell out whether the noise is to be measured in accordance with Metro's standard – of averaging the noise over an hour – or the local jurisdiction's standard – which could be averaging every 15 minutes.*

> *Also include standards for the type of land use for noise impacts such as for a residence vs. hotel vs. hospital, etc., and state the distance from which a noise impact is to be measured.*

■ **Include "and/or equivalent" language in mitigation measures or a menu of measures.** This allows the necessary flexibility to ensure that the mitigation is feasible and can be implemented. For example:

> *Provide noise walls, landscaping, and/or equivalent measures to reduce noise impact at... (location).*

■ **Ensure needed specificity in mitigation measures.** For example:

> *If mitigation requires provision of a sound wall, identify how high the wall should be, or specify the performance criteria for the wall.*

> *If businesses will be affected during construction, specify that the signage for "affected" businesses will be provided throughout the construction period.*

> *If mitigation requires construction haul trucks to use designated haul routes, identify these haul routes, as well as the number of truck trips, and the prohibition of hauling during peak traffic periods, etc.*

■ **Ensure that Memoranda of Understanding (MOUs) or other agreements with other agencies or jurisdictions are finalized early in the process.** Finalizing the MOUs early allows Metro to develop appropriate mitigations. MOUs include agreements with respect to tree replacement ratios and maintenance of replaced trees, parking replacements, and noise during construction.

■ **Obtain firm commitments from partnering agencies.** Prior to finalizing the impact analysis and mitigation measures for the Final EIS/EIR, ensure firm commitments from partnering agencies (such a school district, City, etc.) to make certain that that the project's

Consider providing parking spaces for delivery, a valet/parking shuttle, public parking areas when staging areas require parking removal, and the requirement to provide parking for construction workers. Parking removal during construction is one of the major issues for all projects.

design/plans for station locations, construction staging areas, etc. match those agencies' plans for future use of these areas.

- **Consult with County Counsel about mitigating an impact above what is required.** This is necessary as such measures could be viewed as setting a precedent. For example: mitigating groundborne noise to below audible levels, which is above what is required by FTA.

- **Clearly identify the responsible party for implementing the measure.** The mitigation measure cannot say "Metro or Contractor" is responsible for implementing the measure. It must clearly state who is responsible.

- **Ensure that EIS/EIR clearly states the level of impact remaining after mitigation in the "Mitigation Measures" section for each resource area addressed in the EIS/EIR.** The following guidance can be used to identify level of impact remaining after mitigation:

  ➢ *The following mitigation measures will be implemented. With implementation of these measures the identified substantial/significant impacts(s) will be reduced to a level below significance.*

  ➢ *The following mitigation measures will be implemented. However, even with implementation of these measures the identified substantial/significant adverse impacts(s) will remain/will not be reduced to a level below significance*

- **Compliance with existing laws and regulations, and Metro specifications, is NOT a mitigation.** Therefore, do <u>not</u> list mandatory compliance as mitigation measures (e.g. "the project will meet federal, state, and local standards for crossings" or "the project will meet Metro Rail Design Criteria Minimums for bicycle parking"). When compliance with existing laws and regulations results in an impact that is not substantial or significant, this should be clearly stated in the Mitigation Measures section. When compliance with existing laws and regulation plays a big part in reducing the impact, but other mitigations are also needed, this should be clearly stated. For example:

  ➢ *Compliance with existing regulations, including......(list regulations) will result in no substantial/significant project impact and no additional mitigation is required.*

  ➢ *With compliance with existing regulations, including......(list regulations) the project impact will be minimal/less than significant and no additional mitigation is required.*

> ➤ *In addition to providing relocation and assistance for displaced businesses and residents as required by the Uniform Relocation Assistance and Real Property Acquisition Act and the California Relocation Assistance Act, the following mitigation measures will be implemented: (list mitigations).*

- **Conducting additional studies, studying further, considering further, etc. is NOT a mitigation.** For example, a measure to "study bicycle parking demand and footprint configuration" is not mitigation unless the measure identifies what will be done if that study identifies impacts, i.e. it spells out that replacement bicycle parking at a given ratio, at given location(s), for a specific length of time, during specific hours, etc. will be provided if the results of that study indicate that it is needed.

  Similarly, a measure requiring "further study" of the noise impacts on a specific use/facility/location prior to construction is not mitigation – unless that measure spells out what specific mitigations will be implemented if the results of that study indicate that mitigation is needed.

- **"Developing" a program/plan is NOT a mitigation.** Developing **and implementing** a program/plan is a mitigation measure.

- **Do NOT include "if feasible", "if available" and similar clauses in mitigation measures**. This is especially important in measures for construction impacts (including in a parking management plan and other plans developed to mitigate impacts). Since such clauses often render the mitigation measures ineffective, they result in difficult challenges with regard to community and public's expectations during construction/implementation of the project.

HOW ARE MITIGATION MEASURES REVIEWED AND APPROVED?

> ➤ **STEP 3: Key Internal Stakeholders review and provide input on impacts and mitigation measures.**
> Keep in mind that the review will pay special attention to appropriateness, feasibility, and consistency of proposed mitigation measures.

> ➤ **STEP 4:   Based on feedback received from the Key Internal Stakeholders, Metro Project Team finalizes mitigation measures.**

> ➤ **STEP 5: Chief Planning Officer and Executive Management review and approve list of impacts and mitigation measures.**

This review occurs prior to submitting to FTA and prior to publication of Draft and Final EIS/EIR.

> **STEP 6: Impacts and Mitigations are submitted to FTA for review*.**
> FTA reviews impacts and mitigations as part of its review of Draft and Final EIS/EIR documents.

> **STEP 7: FTA reviews and approves final impacts and mitigation measures prior to publication of Draft and Final EIS/EIR*.**
> Keep in mind that a minimum of two rounds of review of Draft and Final EIS/EIR documents by FTA are involved. In some instances there could be additional reviews needed to finalize impacts and mitigations. Only after FTA reviews and approves, the Draft EIS/EIR and the Final EIS/EIR documents can be published.
> ***Applies only to NEPA documents**

WHAT ARE BETTERMENTS AND HOW ARE THEY USED?

 "Betterment" is an upgrade of an existing city facility, utility facility or the property of a third party that will increase or upgrade the service capacity, capability, appearance, efficiency, or function of such facility or property. Examples of facilities or sites that can be classified as betterments include utilities, street infrastructure, development sites, and other types of infrastructure within a community.

Betterments are not mitigation measures for an EIS/EIR. Betterments are project enhancements added to project design considered when a community, agency, utility, private entity, individual, or others request them after the environmental process is completed and the project has been approved by the Metro Board of Directors. The Betterments Policy provides a flexible tool to address community concerns during construction and is used by the project implementation teams, including Construction Management and Construction Relations.

9.2 Project Manager Impacts, Mitigations, and Betterments Checklist

☐ Work with consultant team, Construction Relations and other Key Internal Stakeholders to identify project impacts and develop mitigation measures. Consult with County Counsel as appropriate in addressing sensitive issues. Ensure that impact analysis is clear, concise, and written in plain language.

☐ Ensure that impacts and mitigations are **specific** to the project.

☐ Involve Construction Relations and Construction Managers in developing mitigations for construction impacts.

☐ Ensure that performance criteria are incorporated into broader and programmatic mitigations.

☐ Ensure that the language "and/or equivalent measures" are incorporated into mitigations as appropriate.

☐ Ensure that the impact remaining after mitigation is clearly stated.

☐ Submit impacts and mitigations to Key Internal Stakeholders.

☐ Incorporate Key Internal Stakeholders' input.

☐ Submit impacts and mitigations to Management Oversight for review and approval.

☐ Following the approval by Management Oversight, submit impacts and mitigations to FTA for review. FTA reviews impacts and mitigations in its review of Draft and Final EIS/EIR documents.

☐ Incorporate FTA review comments in impacts and mitigations and submit the EIS/EIR document to FTA for approval.

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10 REFERENCES AND LINKS TO RESOURCES

This section provides a list of and links to additional resources.

10.1 NEPA/CEQA Resources

➢ Council on Environmental Quality (CEQ) NEPA Guidance
https://ceq.doe.gov/guidance/guidance.html

➢ OPR Technical Advisories
http://opr.ca.gov/ceqa/technical-advisories.html

➢ AASHTO Center for Environmental Excellence: Examples of Effective
Techniques for Improving the Quality of Environmental Documents (2014)
http://environment.transportation.org/center/products_programs/reports/
quality_enviro_docs.aspx

➢ AASHTO Center for Environmental Excellence: Practitioners' Handbooks
http://environment.transportation.org/center/products_programs/practitio
ners_handbooks.aspx

➢ Transportation Research Board (TRB): Guidance for Managing NEPA-
Related and Other Risks in Project Delivery, Volume 2: Expediting NEPA
Decisions and Other Practitioner Strategies for Addressing High Risk Issues
in Project Delivery
http://www.trb.org/main/blurbs/170764.aspx

➢ FTA Standard Environmental Operating Procedures
https://www.transit.dot.gov/regulations-and-guidance/environmental-
programs/environmental-standard-operating-procedures

➢ FTA Programmatic Assessment of Greenhouse Gases from Transit Projects:
https://www.transit.dot.gov/research-innovation/greenhouse-gas-
emissions-transit-projects-programmatic-assessment-fta-report-no

➢ What's new in FTA Environmental:
https://www.transit.dot.gov/regulations-and-guidance/environmental-
programs/environmental-programs

10.2 Metro Policies, Regulations, and Standards

➢ Metro Sustainability Policy
http://media.metro.net/projects_studies/sustainability/images/countywide
_sustainability_planning_policy.pdf

➢ Metro Betterments Policy
http://media.metro.net/board/Items/2013/12_december/20131205rbmite
m23.pdf

10.3 FTA Processes, Policies, and Resources

- FTA
  https://www.transit.dot.gov/

- FTA: NEPA
  https://www.transit.dot.gov/regulations-and-guidance/environmental-programs/national-environmental-policy-act

- FTA: Environmental Justice Resources
  https://www.transit.dot.gov/regulations-and-guidance/environmental-programs/environmental-justice/environmental-justice-0

- FTA: NEPA Reference Library
  https://www.transit.dot.gov/regulations-and-guidance/environmental-programs/nepa-reference-library

- FTA: Planning Resources
  https://www.transit.dot.gov/regulations-and-guidance/transportation-planning/transportation-planning

10.4 Other Federal and State Agency Regulations and Requirements

- Caltrans: Standard Environmental Reference (SER)
  http://www.dot.ca.gov/ser/index.htm

- US FHWA: Environmental Review Toolkit
  http://www.environment.fhwa.dot.gov/index.asp

- US Department of the Interior Bureau of Land Management (BLM) NEPA Web Guide
  https://www.blm.gov/programs/planning-and-nepa/what-informs-our-plans/nepa

10.5 OPR and CEQA/Document Postings

- OPR
  http://www.opr.ca.gov/

- OPR: The California Environmental Quality Act
  http://www.opr.ca.gov/ceqa/

- CEQA Document Postings
  http://www.ceqanet.ca.gov/

10.6 Tribal Consultation

➤ Technical Advisory: AB 52 and Tribal Cultural Resources in CEQA
http://www.opr.ca.gov/docs/DRAFT_AB_52_Technical_Advisory.pdf

➤ Tribal Cultural Resources and CEQA (Additional Resources)
http://opr.ca.gov/ceqa/updates/ab-52/

10.7 CEQA Court Rulings and Legal Summaries

➤ OPR: and California Natural Resources Agrncy: Published CEQA Cases
http://resources.ca.gov/ceqa/cases/

10.8 NEPA Court Rulings and Legal Summaries

➤ National Association of Environmental Professionals (NAEP) NEPA Case
Law Review
https://ceq.doe.gov/laws-regulations/case_law.html

10.9 Other Document Resources

➤ US Federal Government Plain Language Guidelines
http://www.plainlanguage.gov/howto/guidelines/FederalPLGuidelines/FederalPLGuidelines.pdf

➤ US Center for Plain Language
http://centerforplainlanguage.org/

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11 APPENDIX— SAMPLE DOCUMENTS

11.1 Metro NOI/NOP Examples

11.2 Metro NOA/NOC Examples

11.3 Metro ROD/NOD Examples

11.4   Metro Board Report Examples

11.5 Meeting Materials Templates

11.6 Comment Matrix Template

11.7 Sample Agency Invitation Letters

11.8 Sample Responses to Comments on Draft EIS/EIR