

### ***Chapter 3. Document Structure***

The CEQ regulations define a “standard format” that “should be followed [in an EIS] unless the agency determines that there is a compelling reason to do otherwise.” 40 CFR 1502.10. This format includes the following elements: Cover Sheet; Summary; Table of Contents; Purpose and Need; Alternatives; Affected Environment; Environmental Consequences; List of Preparers; and List of Agencies, Organizations, and Persons.

FHWA’s Technical Advisory on NEPA documents (T6640.8A, issued in 1987), recommends using the standard format outlined in the CEQ regulations. But in a memorandum issued on July 1, 2006, FHWA recognized that alternative approaches are encouraged if they convey information more effectively:

What is more important than the way an EIS document is organized is that it convey, in reasonable and understandable terms, the substance of project purpose and need, the alternatives considered, the affected environment and environmental consequences of the action. We encourage you to consider ways to improve the effectiveness of the NEPA documents prepared in your state, including the use of different formats or alternative approaches to making documents easier to read, while demonstrating compliance with NEPA and other applicable environmental laws that satisfy the needs and expectations of our partners and stakeholders.<sup>1</sup>

As recommended in the 2006 guidance, the state of the practice has evolved to include variations on the standard format. Some variations include:

- *Combining the Affected Environment and Environmental Consequences chapters.* Combining these chapters helps to reduce duplication and can be easier for readers to follow because information about a resource is consolidated in one place. Typically, the combined chapter addresses regulatory setting, existing conditions, impacts, and mitigation.

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<sup>1</sup> F. Skaer, FHWA, *Memorandum: Improving the Quality of Environmental Documents* (July 31, 2006), at [http://www.environment.fhwa.dot.gov/projdev/pd\\_doc\\_quality.asp](http://www.environment.fhwa.dot.gov/projdev/pd_doc_quality.asp).

- *Placing the Affected Environment chapter before the Alternatives chapter.* The logic of this approach is that the Affected Environment provides context for understanding the Alternatives, so the Affected Environment should be presented first. A variant of this approach condenses the Affected Environment and re-names it “Environmental Context.”
- *Adding an “Comparison of Alternatives” chapter.* This approach breaks the Alternatives chapter into two parts: “Alternatives Considered,” which describes the alternatives development and screening process, and “Comparison of Alternatives,” which evaluates the detailed-study alternatives.<sup>2</sup> With this approach, the Comparison of Alternatives is placed after the Environmental Consequences chapter.
- *Adding a Transportation Chapter.* Many NEPA documents for highway and transit projects include a separate transportation chapter. This format provides an efficient way to present information that otherwise would be scattered - such as the data sources and methods used in traffic modeling; the description of the existing transportation system; the alternatives’ effects on the existing transportation system; and the alternatives’ ability to meet the purpose and need.
- *Adding a Finance and Cost Chapter.* Issues related to project financing and cost may play an important role in the NEPA process, especially for large-scale projects where the availability of funding is uncertain. Where these issues are important to the analysis of alternatives, a separate chapter can be included to present cost estimates; explain how cost estimates were developed; describe potential funding sources; and address any related issues, such as potential use of innovative financing.
- *Adding a Phasing Chapter.* For large projects, phased implementation is sometimes proposed as a way to accommodate funding constraints. In some cases, FHWA has included a separate chapter or section describing the project phases and distinct impacts associated with each phase.

When a non-standard format is used, it is important to make sure that all of the required information is included and can be easily found. To this end, it may be helpful to include a table that correlates the document’s chapters to the elements required in the CEQ regulations.

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<sup>2</sup> See NCHRP Report 25-25(01), *Synthesis of Data Needs for EA and EIS Documentation—A Blueprint for NEPA Document Content* (Jan. 2005), at [http://onlinepubs.trb.org/onlinepubs/archive/NotesDocs/25-25\(1\)\\_FR.pdf](http://onlinepubs.trb.org/onlinepubs/archive/NotesDocs/25-25(1)_FR.pdf).

# Combine Affected Environment Chapter and Environmental Consequences Chapter

- CO: US 36 FEIS
- OH: Opportunity Corridor DEIS
- NC: Mid-Currituck FEIS
- UT: West Davis Corridor FEIS
- WA: Mukilteo FEIS

**Techniques to note:**  
 - combining the Affected Environment and Environmental Consequences chapters  
 - explaining the "content and organization" of the chapter in the introduction to the chapter

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**Techniques to note:**  
 - combining the Affected Environment and Environmental Consequences chapters  
 - providing an overview of the chapter and describing the purpose of the chapter at the beginning

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**Techniques to note:**

- combining the Affected Environment and Environmental Consequences chapters

- grouping topics within the chapter - e.g., a section on "Community Characteristics and Impacts"

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**Techniques to note:**  
- EIS includes a separate chapter for each resource (e.g., farmland), containing affected environment, impacts, and mitigation for that resource

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Techniques to note:  
 - affected environment and environmental consequences are combined  
 - impacts discussion is separated into four parts - long-term, construction, indirect, and cumulative.

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# Separate Chapters (Not in standard EIS template)

## Transportation Impacts

- CO: US 36 FEIS
- WA: Mukilteo FEIS

## Financial Analysis

- CO: I-70 PEIS
- CO: US 36 FEIS

## Phased Implementation

- CO: US 36 FEIS

## Construction Impacts

- MD: Purple Line FEIS

Techniques to note:  
 - chapter on "Transportation" covers existing conditions and effects, separate from environmental impacts chapter

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