

Appendix J: Environmental Mitigation in the Metropolitan Transportation Planning Process

Introduction

Linking transportation planning and environmental analysis requires an integrated and collaborative approach to transportation decision-making. This approach can provide the opportunity to address environmental, community, and economic issues and challenges early in the planning process, as well as avoid and minimize impacts on natural and human resources. These considerations can then be carried through project development, design, construction, and maintenance.

The Infrastructure Investment and Jobs Act ([IIJA](#)) was signed into law in 2021. The investment package included in this law is intended to support and modernize infrastructure, create well-paying jobs, and spur economic growth. It also serves as a step forward in empowering vulnerable communities and addressing historical disparities. The IIJA continued the transportation planning requirements of its predecessors for metropolitan planning organizations (MPOs).

The Federal Transportation Act—Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users ([SAFETEA-LU 2005](#))—established requirements for the preparation of Regional Transportation Plans (RTPs). One of these requirements is that the RTP include discussion of potential environmental mitigation activities. Included in this Appendix is a description of the law and its requirements and examples of how the environment and environmental mitigation is considered in the Clark County region’s metropolitan transportation planning process and in development of the Regional Transportation Plan (RTP) for Clark County. Web links to significant information used by RTC in development of the RTP is also included. Related to environmental mitigation requirements is the Federal Transportation Act requirement that RTC, as Metropolitan Planning Organization for the Clark County region, consult with other federal, state, and tribal resource agencies and have the public actively participate in the development of the RTP.

Laws Relating to Environmental Mitigation in the Metropolitan Transportation Planning Process

Excerpts from Public Law (109-59, 8-10-05, Section 6001, i2(B)) and Regulations (23 CFR 450, Federal Register dated April 1, 2023):

§ 450.104 Definitions

Environmental mitigation activities means strategies, policies, programs, and actions that, over time, will serve to avoid, minimize, rectify, reduce, or eliminate impacts to environmental resources associated with the implementation of a long-range statewide transportation plan or metropolitan transportation plan.

§ 450.324 Development and content of the metropolitan transportation plan

(f) The metropolitan transportation plan shall, at a minimum, include: ...

(10) A discussion of types of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the metropolitan transportation plan. The discussion may focus on policies, programs, or strategies, rather than at the project level. The MPO shall develop the discussion with Federal, State, and Tribal land management, wildlife, and regulatory agencies. The MPO may establish reasonable timeframes for performing this consultation;

§ 450.212 Transportation planning studies and project development

(a) Pursuant to section 1308 of the Transportation Equity Act for the 21st Century, TEA-21 (Pub. L. 105-178), a State(s), MPO(s), or public transportation operator(s) may undertake a multimodal, systems-level corridor or subarea planning study as part of the metropolitan transportation planning process. To the extent practicable, development of these transportation planning studies shall involve consultation with, or joint efforts among, the State(s), the MPO(s), and/or public transportation operator(s). The results or decisions of these transportation planning studies may be used as part of the overall project development process consistent with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*) and associated implementing regulations (23 CFR part 771 and 40 CFR parts 1500-1508). Specifically, these corridor or subarea studies may result in producing any of the following for a proposed transportation project:

(1) Purpose and need or goals and objective statement(s);

- (2) General travel corridor and/or general mode(s) definition (e.g., highway, transit, or a highway/transit combination);
- (3) Preliminary screening of alternatives and elimination of unreasonable alternatives;
- (4) Basic description of the environmental setting; and/or
- (5) Preliminary identification of environmental impacts and environmental mitigation.

Environmental Mitigation and the RTP

Environmental mitigation is a major consideration in transportation investment and planning efforts throughout the Clark County planning area. RTC and its members are engaged in environmental stewardship and mitigation activities at the planning and project level through the implementation of NEPA and SEPA regulations, which ensure that projects are in harmony with the community and preserve the environmental, scenic, aesthetic, historic, and natural resource values of the area in which they are located.

The intent of having the RTP address environmental mitigation requirements is to provide a more consistent consideration of environmental issues from transportation planning through project development. In addition, agencies and jurisdictions should be able to use information, analysis, and products from the transportation planning process and incorporate them into and rely on them in NEPA documents.

Washington State has its own environmental policy act, the State Environmental Policy Act (SEPA), which provides for environmental consideration at the plan level.

Environmental Considerations

According to § 450.104, *environmental mitigation activities* means strategies, policies, programs, and actions that, over time, will serve to avoid, minimize, rectify, reduce, or eliminate impacts to environmental resources associated with the implementation of a long-range statewide transportation plan or metropolitan transportation plan. At the metropolitan transportation planning level, the environmental mitigation strategies and activities are intended to be regional in scope and may not necessarily address potential project-level impacts that are addressed in more detail during project development.

The Physical Environment includes:

- Water: wetlands and water resources
 - Limit impervious surfaces.

- Minimize crossings through sensitive areas.
- Comply with local, state, and federal laws for protecting water quality and managing stormwater.
- Collect and treat stormwater.
- Earth (forested, natural areas, agricultural areas)
- Air: ambient air quality and energy
 - The Vancouver Air Quality Maintenance Area is now in attainment for both ozone and carbon monoxide. Transportation Demand Management and System Management programs are in place to contribute to the air quality of the region. Strategies include:
 - Congestion management to reduce idling.
 - Encourage multimodal alternatives to single-occupant automobile travel.
 - Encourage mixed use development.
 - Cleaner transportation fleets with reduced emissions.
- Fauna and Flora: Endangered and threatened species, forested and natural areas, fauna and flora (endangered and threatened species, wildlife habitat, sensitive habitat and wetland habitat) may all be impacted by transportation projects.
 - Endangered Species Act implementation.
 - Minimize impacts to fish-bearing streams.
- Historic: archeology, cultural resources, historic preservation, etc.

The specific location and nature of the transportation project will determine impacts to historic and cultural resources, with mitigation being highly project specific.

 - Meet federal, state, and local requirements for historic preservation.
- Neighborhoods, communities, homes, and businesses; parks and recreation areas.
 - Employ context sensitive design in transportation projects.
 - Analyze projects through NEPA/SEPA, including 4f, processes.
- Agricultural areas. Encourage protection of agricultural lands.

Environmental Consultation

Requirements for MPO consultation with federal, state, and tribal resource agencies continues with the current federal transportation act. Within Washington State there is a long history of collaboration. The original NEPA/404 Merger Agreement was adopted by its signatory agencies in 1995 and revised in 1996. Significant revisions to the 1996 agreement were collaboratively developed by the Signatory Agency Committee (SAC) to improve the process and were formally adopted in 2002. In 2005, FHWA and FTA issued joint guidance following the passage of the SAFETEA-LU. [Section 6002](#) of the bill laid out a new process for involving the public and governmental agencies when developing an environmental impact statement (EIS).

The Federal Transportation Act also requires consultation with tribal governments. Within the Clark County region, these tribal governments may include the Chinook, Columbia River Inter-tribal Fish Commission, the Cowlitz, Nez Perce, Spokane, and Yakama Nation. The Cowlitz receives regular RTC Board mailings and Regional Transportation Advisory Committee mailings. RTC and Cowlitz representatives consult and coordinate in developing the Human Services Transportation Plan.

The following resource agencies and tribes may be consulted to enhance the RTP development process:

- Federal:
 - Advisory Council on Historic Preservation
 - Environmental Protection Agency
 - National Marine Fisheries Service (NOAA Fisheries)
 - National Park Service
 - U.S. Army Corp of Engineers
 - U.S. Fish and Wildlife Service
 - U.S. Forest Service
- State:
 - State Department of Ecology
 - Department of Fish and Wildlife
 - Department of Natural Resources
 - Governor's Office
 - Northwest Indian Fisheries Commission
 - Office of Archeological and Historic Preservation
 - Parks and Recreation Commission
- Tribal Consultation:
 - Chinook
 - Columbia River Inter-tribal Fish Commission
 - Cowlitz
 - Nez Perce
 - Spokane
 - Yakama Nation

Planning and Environmental Linkages

Collaborative transportation planning offers opportunities to streamline decision-making and minimize conflicts and surprises during later stages of project development. [Planning and Environmental Linkages](#) (PEL) provides a coordinated approach between transportation planning and the environmental review process. The PEL approach minimizes the duplication of effort, promotes long-term environmental stewardship, and reduced cost and delay from planning through project delivery. PEL is most effective when coordinated early, as it lays the foundation for broad consensus on goals and priorities when developing solutions for issues surrounding the transportation system. The way in which transportation planning and environmental (NEPA) processes are linked depends on the specific circumstances for each project. The linkage of planning and NEPA is not specifically required by statute or regulation, though it is encouraged through FHWA guidance.

Where appropriate, the RTP has considered the environmental context of the projects, programs, and strategies included in the plan and has coordinated with the appropriate resource agencies.

Environmental Analysis Tools Used

Clark County and its jurisdictions and transportation agencies follow federal and state laws and guidance when carrying out land use and transportation plans and projects.

Clark County’s GIS Digital Atlas includes layers of data, including data on the natural and built environment; for example, archaeological predictability, historic sites, slope (contours), fish distribution, watersheds, sub watersheds, priority habitat and species buffers, storm sewer system details. See Clark County map examples at Figures J-1 through J-6: (1) Comprehensive Plan Land Use Designations, (2) Floodplains and Wetlands, (3) Watersheds, (4) Completed Mitigation Projects (wetland and habitat sites), (5) Slope, and (6) Historic Sites.

Figure J-1: Clark County Maps Online, Clark County Comprehensive Plan

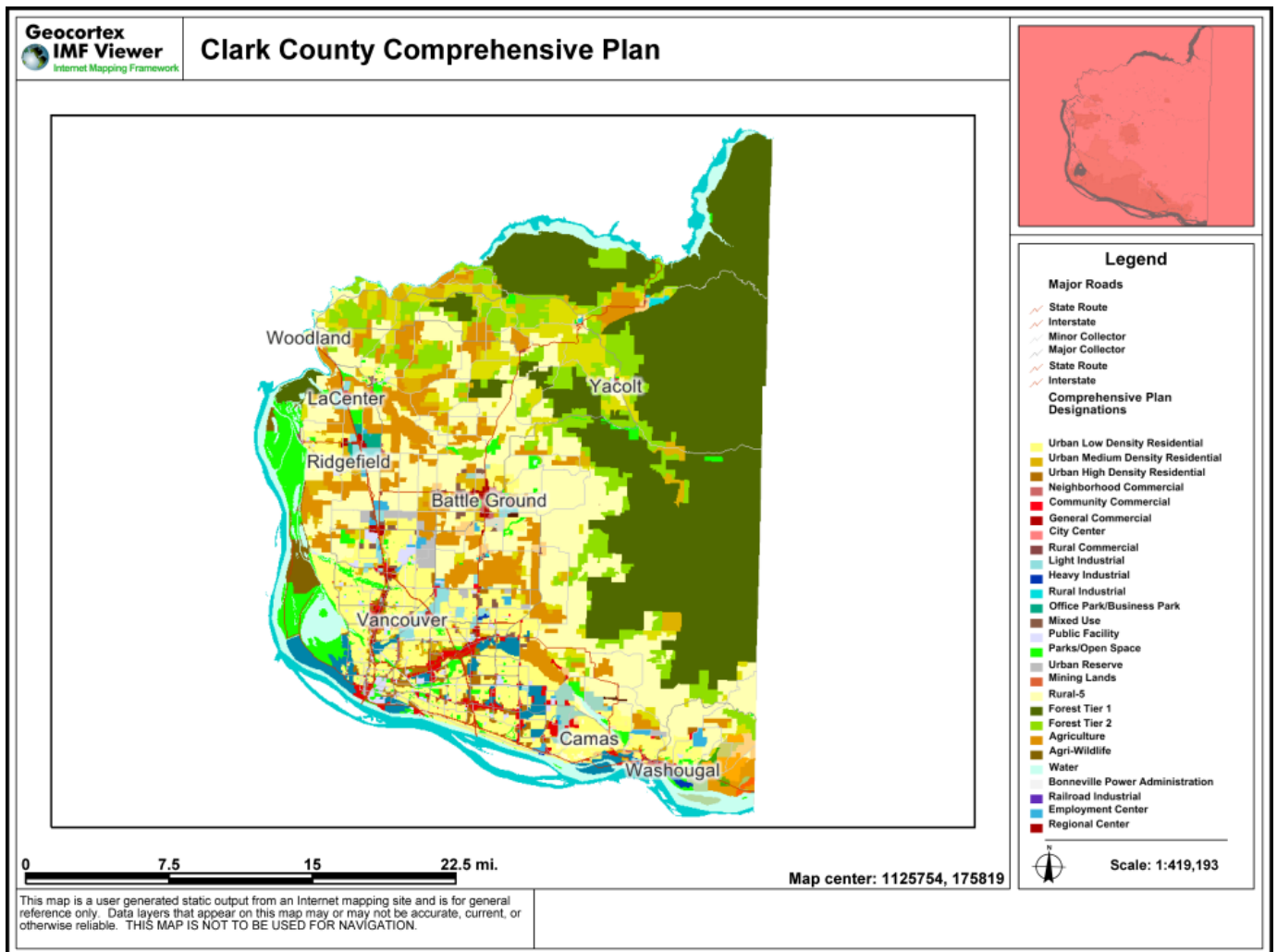


Figure J-2: Clark County Maps Online, Floodplains and Wetlands

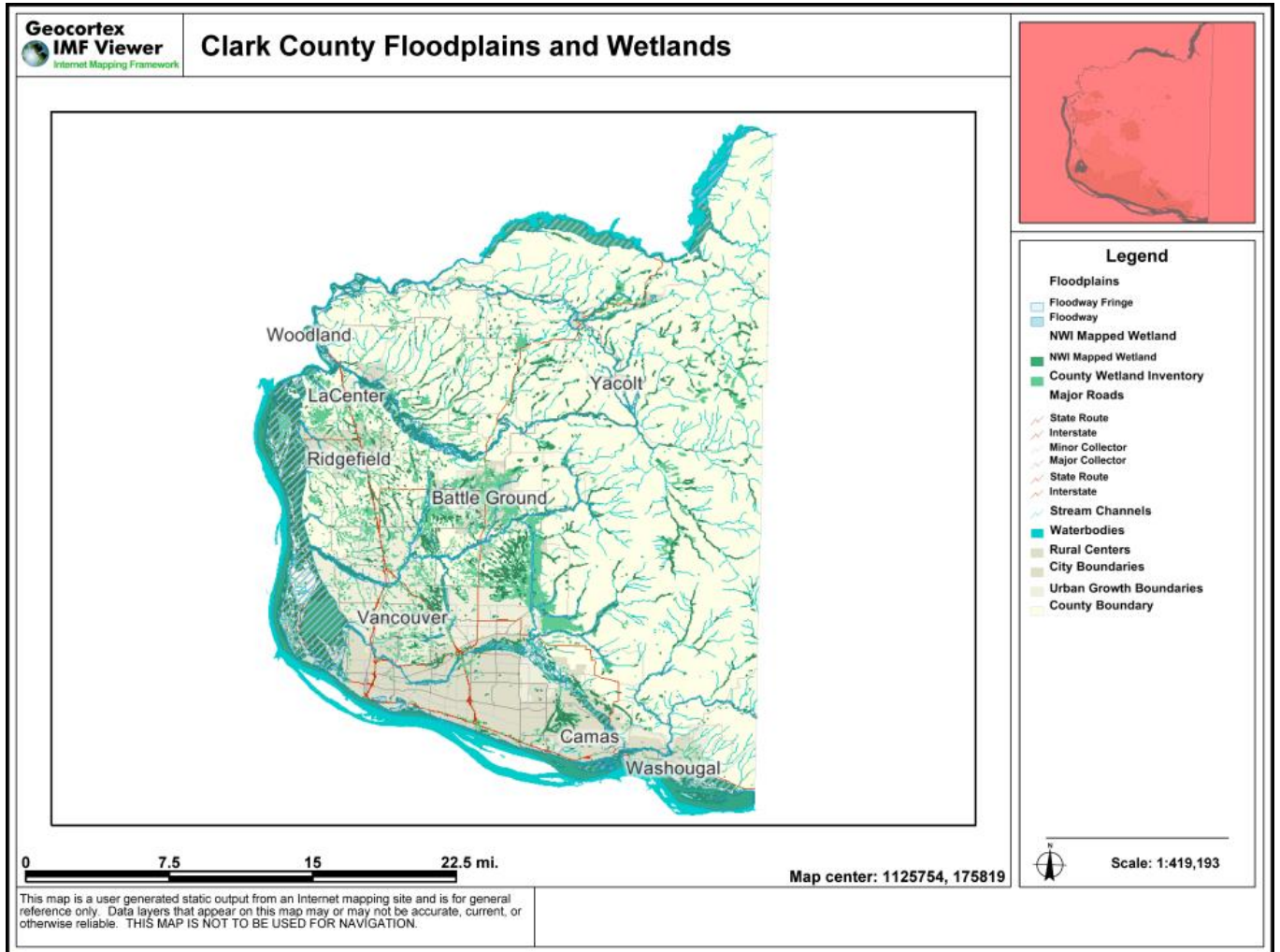


Figure J-3: Clark County Maps Online, Watersheds

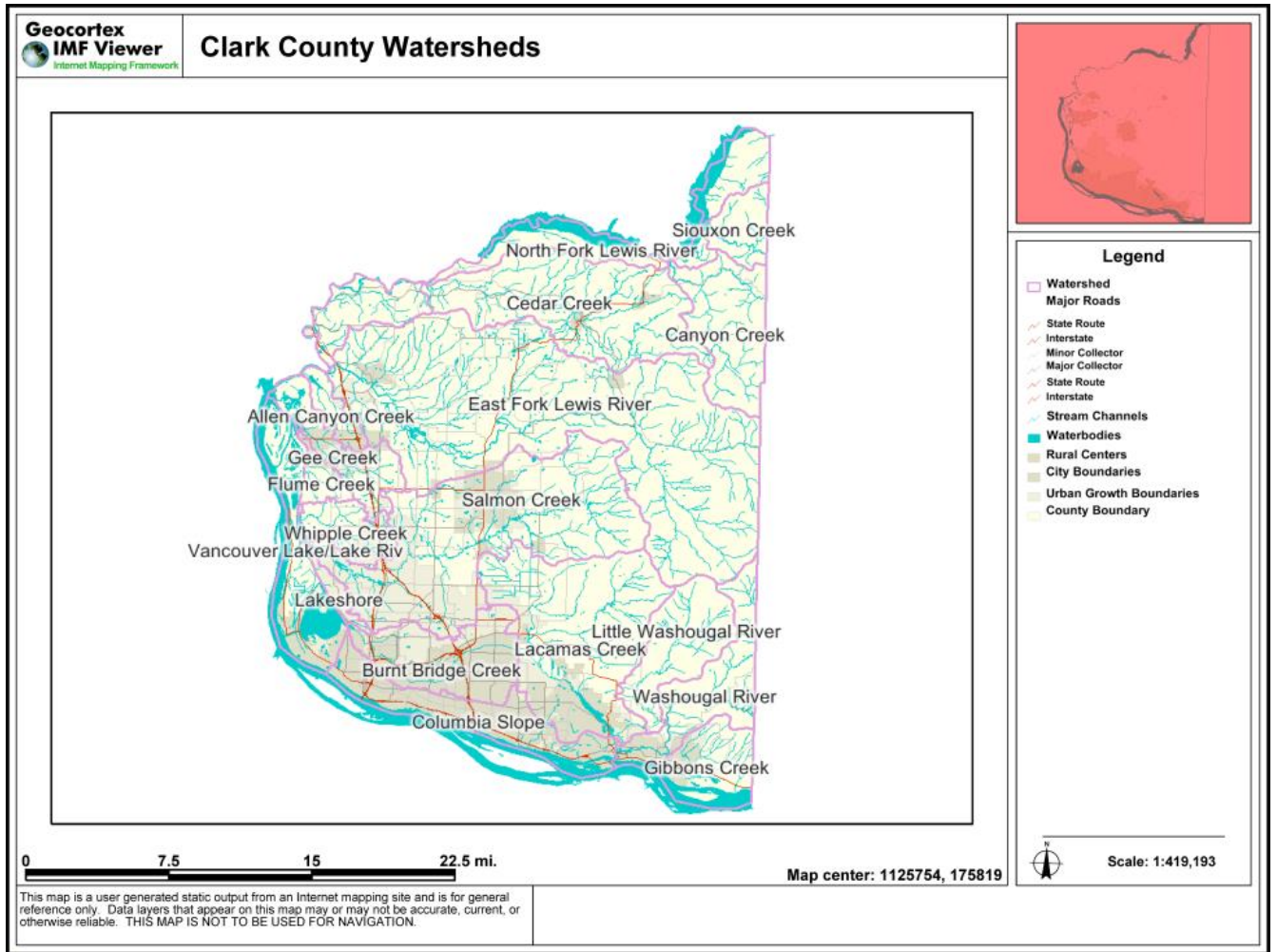


Figure J-4: Clark County Maps Online, Completed Mitigation Projects, Wetland and Habitat Sites

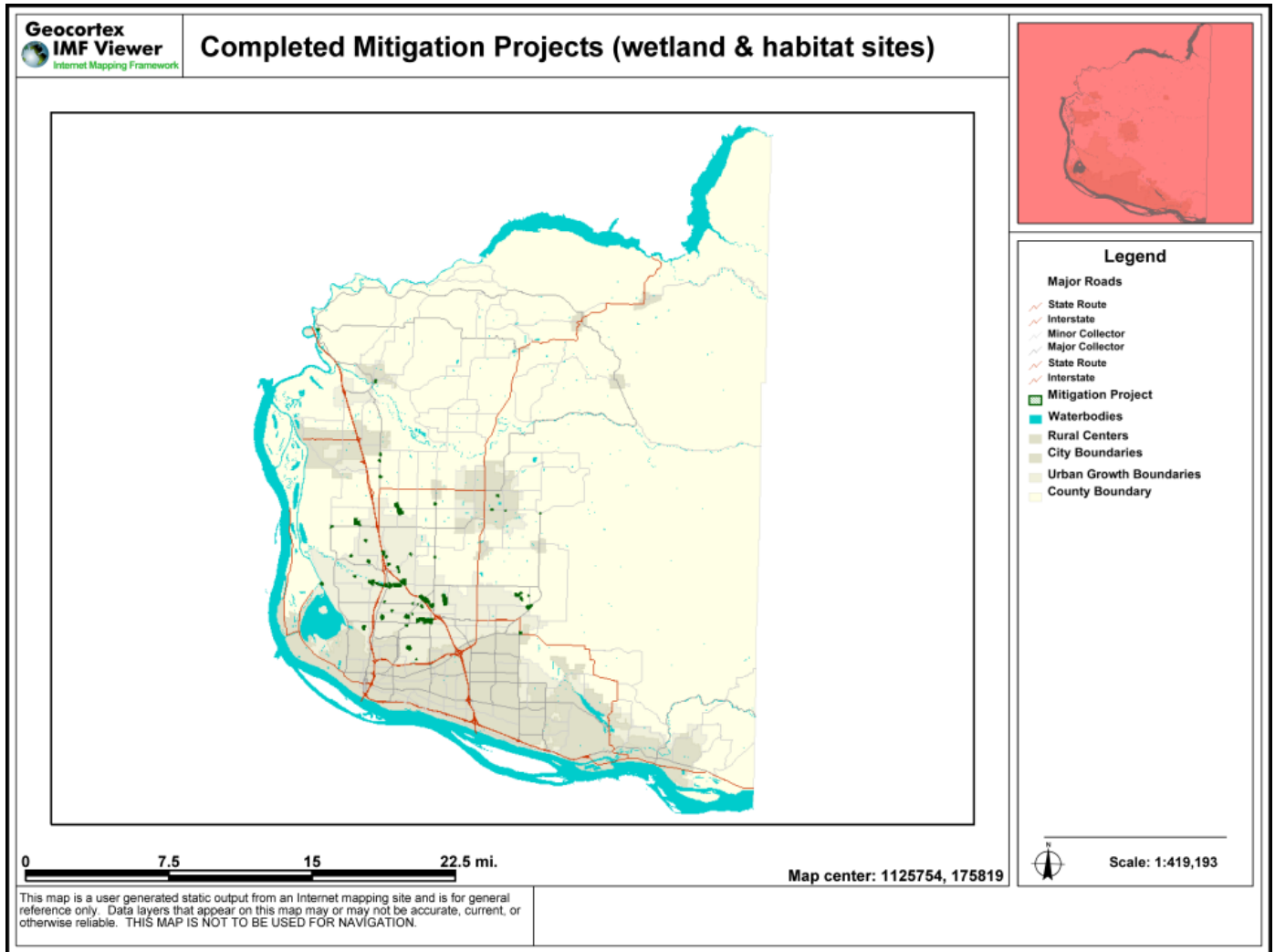


Figure J-5: Clark County Maps Online, Clark County Slope

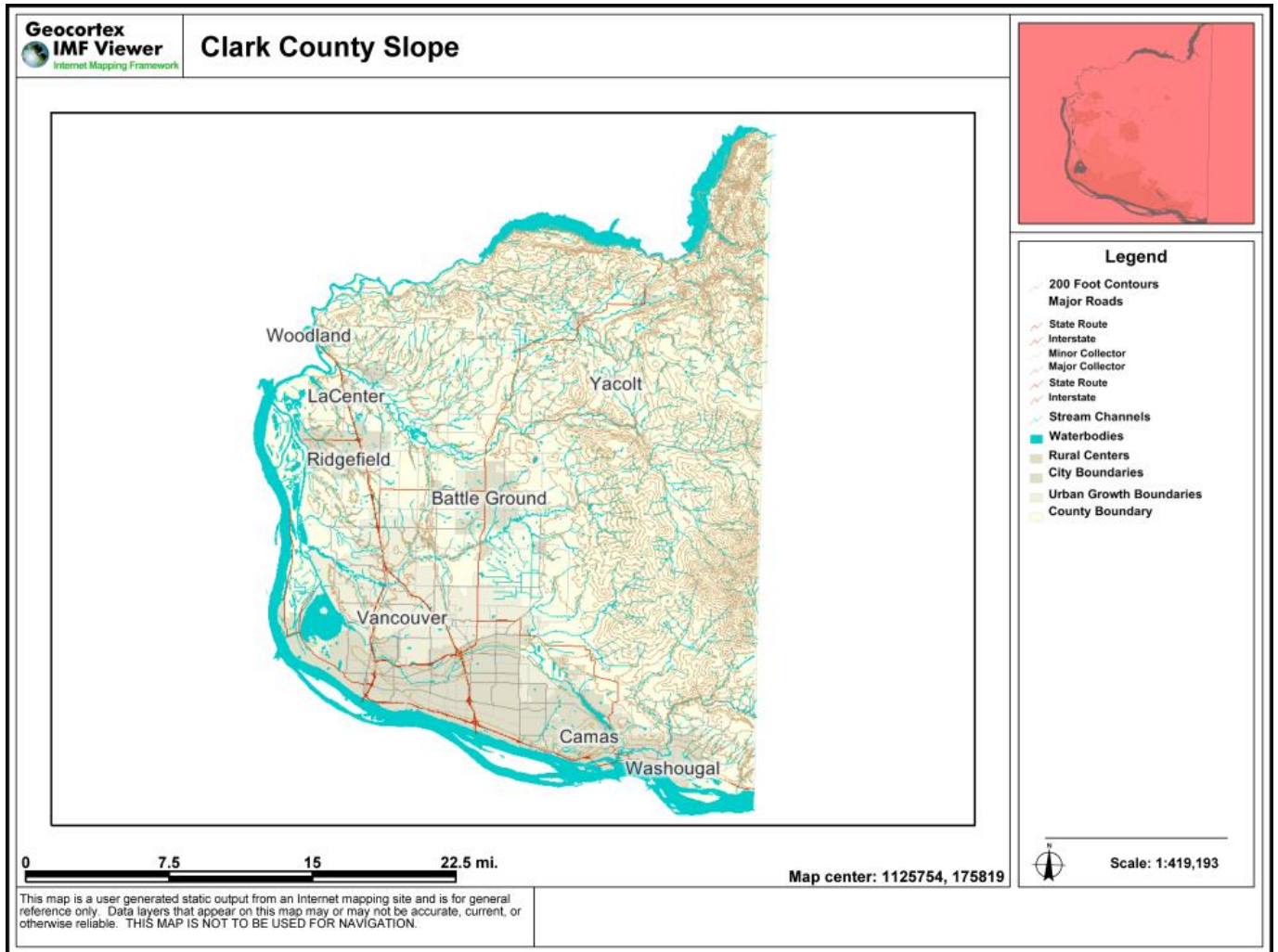


Figure J-6: Clark County Maps Online, Clark County Historic Sites

