VIRGINIA DEPARTMENT OF TRANSPORTATION

ENVIRONMENTAL DIVISION

INSTRUCTIONAL AND INFORMATIONAL MEMORANDUM

DIRECTED TO:	AUTHORITY:
CO NEPA Programs Staff District Environmental Planners District Environmental Managers District Assistant Environmental Managers	National Environmental Policy Act; Section 106 of the National Historic Preservation Act; 40 CFR §1508; 40 CFR §1502.16
GENERAL SUBJECT: National Environmental Policy Act	NUMBER: IIM-ED-715.1
SPECIFIC SUBJECT: Indirect and Cumulative Effect Analysis	DATE: 09/21/2023
	SUPERSEDES: EM-NEPA-715
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BACKGROUND

This Instructional and Informational Memorandum (IIM) adopts the methods outlined in the following published documents as Virginia Department of Transportation's (VDOT) basis for conducting Indirect and Cumulative Effect (ICE) analyses:

- Transportation Research Board's (TRB) National Cooperative Highway Research Program (NCHRP) Report 466, *Desk Reference for Estimating the Indirect Effects of Proposed Transportation Projects* (TRB, 2002): This document provides the basis for the Department's indirect effect analyses.
- North Carolina Department of Transportation's (NCDOT) *Guidance for Assessing Indirect and Cumulative Impacts of Transportation Projects in North Carolina, Vol. II: Practitioners Handbook (NCDOT, 2001)*: This document guides VDOT's assessment of induced growth within the indirect effect analyses.
- Federal Highway Administration's (FHWA) Guidance: *Questions and Answers*

Regarding the Consideration of Indirect and Cumulative Impacts in the NEPA Process (FHWA, 2019). The pathway outlined in the five-part evaluation process found in Fritiofson v. Alexander, 772 F.2d 1225 (5thCir. 1985), outlines the means by which the Department will consider and document cumulative effects analyses.

These published methods shall be cited, when appropriate, in National Environmental Policy Act (NEPA) documents and the specific titles and terminology included in these documents shall be used. The table of contents in the Skiffes Creek Connector Indirect and Cumulative Effects Technical Report (TR), or more recent example provided by the Central Office (CO) NEPA Programs Manager or designee, should be referenced as an example of how procedural methods should be referred to and presented. The methodology section in the example TR provides a summary of how the three adopted methods are implemented into the ICE analysis. Environmental Planners should review the ICE section of the Skiffes Creek Connector document before advancing with an ICE similar analysis.

PURPOSE

This document adopts several published guidance documents as VDOT's official means of conducting ICE analyses. This document also provides direction for VDOT Environmental Planners responsible for drafting, reviewing, or approving NEPA documents on the level of detail required for ICE analysis.

SCOPE & APPLICABILITY

This IIM is applicable to VDOT staff completing or approving a documented Categorical Exclusion(CE), a build/no-build environmental Assessment (EA), a multi-alternative EA, or an Environmental Impact Statement (EIS). These prescribed methods will provide the LAP with the same level of legal certainty that the Department enjoys by following these published methods.

REQUIREMENTS

1. **CE**: When discussing ICE in the CE document, the goal is to clearly document that the indirect and cumulative effects that may occur from the proposed project would not rise above the CE level of impact. It is also important to document that this IIM has been followed so that the considerations and analyses are defensible. When discussing cumulative effects in the CE, the Environmental Planner should cite this IIM as guiding the considerations made in the development of the Cumulative and Indirect Impacts Section of the document. In some situations, the CE Environmental Planner may want to coordinate with the CO NEPA Programs Manager or designee to determine if additional language should be documented in a Note to File. This would occur when the public or other agency has raised concerns regarding ICE analyses. The Note to File would document the steps the Environmental Planner took to work through the methods that are adopted through this IIM and to arrive at the conclusion included in the CE form. This

effort provides the Department and FHWA with a more defensible document that could stand up to public, agency, or legal scrutiny.

2. **Build/No-build EA**: When discussing ICE in a Build/No-Build EA, the goal of the ICE analysis is to examine indirect and cumulative effects to the same level of detail as other analyzed resources. While ICE analyses for Build/No-Build EAs shall require some analysis, this class of EA requires a more limited analysis than a multi- alternative EA or EIS, as there is not as much to compare or discuss. When a Build/No-build EA is supported by TRs, the ICE technical report should follow the outline, headings, and content of the Skiffes Creek example or the most recent ICE document provided by CO NEPA Programs Manager or designee. When a Build/No-build EA is not supported by TRs, the ICE discussion in the document should cite this IIM as the basis for the analysis. The Environmental Planner should develop a Note to File that documents how they progressed through the different steps outlined in the methods being adopted by this IIM and illustrated in the Skiffes Creek example or more recent example provided by CO NEPA Programs Manager or designee. This Note to File and EA language can be more abbreviated than these robust examples, but shall cite this IIM and generally follow the same steps this guidance adopts. The Environmental Planner should consult with the CO NEPA Programs Manager or designee to ensure that the ICE analysis accurately follows and documents the required process.

3. **Multi-alternative EAs or EISs**: The methods adopted in this IIM and discussed in the background section above shall be fully documented and followed. The Skiffes Creek document offers an example of the outline, content, and depth of discussion required. The Environmental Planner also should consult with the CO NEPA Programs Manager or designee for latest trends or examples that are more recent.

PROCEDURES/REPORTING

The review of any NEPA document by VDOT staff for quality assurance/quality control will serve as documentation that this IIM is met. Additional coordination with the CO NEPA Programs Manager or designee may be appropriate when scoping and/or drafting the ICE analysis.

The VDOT District Environmental Manager, Assistant District Environmental Manager, and/or Environmental Planner shall confer and coordinate with the CO NEPA Programs Manager or designee to ensure the ICE analysis conforms to the format illustrated in the Skiffes Creek ICE Technical Report or the most recent ICE document provided by the CO NEPA Programs Manager or designee. When using consultants, prior to initiating scoping, consultants shall confer with the Environmental Planner or CO NEPA Programs Manager or designee to ensure there are no program level updates to the ICE technical report outline.

OTHER INFORMATION

AASHTO, 2016. Assessing Indirect Effects and Cumulative Impacts under NEPA Forecasting Indirect Land Use Effects of Transportation Projects.

NCHRP, 2002. NCHRP Report 466, *Desk Reference for Estimating the Indirect Effects of Proposed Transportation Projects*.

TRB, 2007. NCHRP 25-25/Task 22, *Land use Forecasting for Indirect Impacts Analysis*.

NCDOT, 2001. Guidance for Assessing Indirect and Cumulative Impacts of Transportation Projects in North Carolina.

FHWA, 2019. Questions and Answers Regarding the Consideration of Indirect and Cumulative Impacts in the NEPA Process..

VDOT, 2018. Skiffes Creek Indirect & Cumulative Effects Technical Report.