

## Common Environmental Terms

- **NEPA:** National Environmental Policy Act of 1969 – Federal agencies must evaluate and disclose the environmental impacts of their projects. Applies to major federal actions (i.e., most projects receiving Federal money or that require Federal permits or approvals)

### Most Common Permits:

- **Section 404:** Federal permit for discharging fill material into wetlands & waters. (Army Corps)
- **Removal-Fill permits:** State permit for placing material in or removing material from wetlands and waters. (DSL)
- **Section 401:** State water quality certification for activities that have federal permits and entail discharges into wetlands & waters. (DEQ)
- **Mutual Agreement and Order:** State water quality approval required for projects that require Removal-Fill permits but not 404 permits. (DEQ)
- **Section 408:** Rivers and Harbors Act of 1899 – regulates work in navigational channels (Army Corps, Coast Guard) and work that affects flood control levees. (Army Corps)

### Document Types:

- **Categorical Exclusion** – documentation that an action fits into categories of projects that will not result in significant environmental impacts – excluded from preparing an EA or EIS. Most ODOT and Local Agency actions are categorical exclusions.
- **PCE:** Programmatic Agreement Categorical Exclusion – Authorizes ODOT to approve certain categorical exclusions on behalf of FHWA. Streamlines project delivery by allowing right-of-way phase obligation to occur prior to completion of all environmental documents. Note: ODOT refers to categorical exclusions approved per the PCE Agreement as “PCEs” and categorical exclusions that exceed the PCE impact thresholds and require FHWA approval as “CEs”.
- **EA:** Environmental Assessment - An environmental document used to determine whether a federal action will result in significant environmental impacts. An EA may result in a Finding of No Significant Impact (FONSI) or the preparation of an EIS.
- **EIS:** Environmental Impact Statement - Used when significant environmental impact will result from the action, an EIS is a full disclosure document that includes consideration of a range of reasonable alternatives, analyzes the potential impacts resulting from the alternatives, and demonstrates compliance with other applicable environmental laws and executive orders.
- **Re-evaluation:** A review conducted of any proposed change in an action, affected environment, anticipated impact, applicable requirements, or mitigation measure as they relate to an NEPA document or decision. The purpose of a re-evaluation is to determine whether the document or decision remains valid for decision-making.

### Cultural Resources and Parks:

- **National Historic Preservation Act (NHPA):** Passed in 1966, the National Historic Preservation Act (NHPA) is the primary federal law governing historic preservation in the United States. It established the framework to identify, protect, and preserve the nation's cultural and architectural heritage.
- **Section 106:** Part of the National Historic Preservation Act that requires federal agencies to consider the effects of their undertakings (projects they fund, permit, license, or approve) on historic properties. It also requires agencies to consult with Tribes and the public to avoid, minimize, or mitigate any adverse impacts before proceeding.
- **SHPO:** State Historic Preservation Office – An office within Oregon Parks & Recreation Department that administers programs to comply with federal and state cultural resource protection law.
- **US Department of Transportation (DOT) Act:** The Department of Transportation Act of 1966 (Public Law 89-670) was signed by President Lyndon B. Johnson on October 15, 1966. It established the United States Department of Transportation (USDOT) to consolidate and coordinate various federal transportation programs into a single, unified cabinet-level agency.
- **Section 4(f):** Part of the US DOT Act which prohibits USDOT agencies from using land from publicly owned parks, recreation areas (including recreational trails), wildlife and waterfowl refuges, or public and private historic sites, unless there is no feasible and prudent alternative to that use and the action includes all possible planning to minimize harm.
  - **de minimis:** Specific 4(f) term to indicate that impacts are minor or have been adequately mitigated such that harm has been minimized to the point that it is minor.
  - **Temporary Occupancy:** an avenue for a project to avoid a 4(f) use if it meets five criteria (short duration, minor in scope, no permanent harm, full restoration, and written concurrence from the official with jurisdiction over the 4(f) resource).
- **Land & Water Conservation Fund Act:** A grant program for park improvements. Upon receiving a grant, a park is protected by the provisions of LWCF, which strictly prohibits the conversion of any property acquired or developed with LWCF grants to non-recreational uses.

### Biology:

- **ESA:** Endangered Species Act. Section 7 of the Act requires Federal agencies to consult with US Fish & Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) to ensure that their actions won't jeopardize the continued existence of threatened or endangered species, or adversely modify their critical habitat.
- **FAHP:** Federal Aid Highway Program (Biological Opinion). A programmatic ESA Section 7 consultation that covers qualifying projects that are part of the federal aid highway program.
- **MBTA:** Migratory Bird Treaty Act. Protects birds during migration and nesting.