

## ***EDC2: Implementing Quality Environmental Documentation***

### ***Principle #1: Tell the Story***

#### ***Guidance on making a Quality EIS Summary***

##### ***What is the Environmental Impact Statement Summary?***

The CEQ regulations (40 CFR 1502.10) provide a standard format that agencies should follow unless the agency determines that there is a compelling reason to do otherwise. This standard format includes a summary. The summary should summarize the story of the project, including purpose and need, and include a discussion of alternatives, and the analyses and reasoning that led to the proposed action. A clearly written and concise summary of the EIS is a product of a good analysis and crisp presentation.

The EIS summary forms the first and lasting impression of the EIS as a whole. It is also normally the one part of an EIS that anyone interested in the proposed action reads. The reader learns about the status of the environmental review process, potential environmental impacts of the proposed Federal action, and the evaluations that led to the preferred alternative. Preparers should ensure that the EIS summary is consistent with the full document and communicates essential findings to the reader.

CEQ regulations stress that the summary must (1) ***adequately*** and (2) ***accurately*** summarize the EIS (40 CFR 1502.12). To be ***adequate***, the summary needs to highlight major findings and concisely describe: the proposal, the project's purpose and need, environmental impacts, alternatives, mitigation measures, and significant adverse impacts that cannot be mitigated. Charts, tables, and graphics are an effective and efficient way to summarize alternatives, impacts, and explain mitigation measures. To be ***accurate***, the information in the summary needs to be verifiable and should ***not*** present conclusions, ideas, or information that are ***not*** included in the full EIS.

##### ***What makes a quality EIS summary?***

The CEQ regulations at 40 CFR 1502.12 stipulate that the EIS summary shall stress ***major conclusions, areas of controversy, and issues to be resolved***. A well-written summary distills the comparison of alternatives and draws sharp distinctions between alternatives to present ***major conclusions***. The conclusions will emphasize the environmental consequences and benefits of choosing between the alternatives. ***Areas of controversy*** usually include, but are not limited to, the alternative analysis in the EIS, identification of the preferred alternative, agencies' or stakeholders' competing interests, public opposition, and other known or potential areas of controversy discovered during the public outreach process. By acknowledging controversy in the summary, FHWA and the project sponsor can help demonstrate that they

considered all relevant information, including views contrary to their position. Discussing controversy candidly and factually can be important in the event of later litigation based on the EIS. **Issues that need to be resolved** should be limited to those directly related to decision-making. These discussions could include the strategies for communication, approaches for information gathering to address issues, and identification of other actions that may need to occur before the decision is finalized in the Record of Decision (ROD).

The summary should be a factual reflection of the EIS document. If writing the summary is difficult or, as a reader, you have difficulty comprehending the summary, it may indicate weakness in other areas. Weaknesses could include poor organization, too much discussion of insignificant issues, and encyclopedic rather than factually based, accurate and concise treatment of issues. When a reviewer or editor revises a summary, he or she may also identify ways to resolve weaknesses related to the quality of the entire EIS document.

The summary, according to the CEQ regulations (40 CFR 1502.12), will normally not exceed 15 pages in length. However, a summary of a complex EIS may be longer than 15 pages, but should still be concise, free of unnecessary elaboration and superfluous detail.

#### ***What are the benefits of a quality summary?***

The CEQ [40 CFR 1500.4] promotes the EIS summary as a streamlining measure and a tool for saving resources by reducing paperwork. Summarizing the EIS and circulating the summary instead of an unusually long EIS may reduce costs and save time while making the project story more accessible and comprehensible. Further, the summary could explain how streamlining could occur if the lead agencies issue the FEIS and ROD as a single document. When only the DEIS summary is circulated, it should contain a notice that the FEIS and ROD will be published as a combined document, since that notice normally appears on the cover page of the DEIS<sup>1</sup>.

The EIS summary may be circulated independently to various stakeholders because not every reader may be interested in receiving the entire EIS. Some stakeholders must receive the entire EIS document, as required by the CEQ [40 CFR 1502.19]. If the summary is circulated independently, it should include information about the availability of the entire EIS document for review (i.e. at the library, posted on project web page, at the town hall, or at the lead agency offices, etc.) or the contact information for requesting copies of the EIS.

The summary also may offer a means to streamline the preparation of a FEIS, especially if the comments on a DEIS result in minor factual changes that could be identified in a revised DEIS summary that do not warrant further agency response [see 40 CFR 1503.4]. In such cases, the

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<sup>1</sup> MAP-21 Section 1319 Interim Guidance: <http://www.fhwa.dot.gov/map21/guidance/guideaccdecer.cfm>

federal agency can use the “abbreviated FEIS” approach by using errata sheets attached to the DEIS in-lieu of a traditional FEIS. Additionally, the FEIS summary should revise the DEIS summary to include the preferred alternative, a concise description of the key comments received that altered the identification or design of the Preferred Alternative, and the minor changes since the DEIS. If there are important (or major) changes, then a re-packaging of the DEIS may not be appropriate. If the document is presented as a combined FEIS/ROD, much of the ROD incorporates the required information of the summary.

The brief length encourages the general public and resources agencies to actually review the summary information and obtain essential information about the project. It needs to adequately and accurately present alternatives, major findings and conclusions that the reader can easily learn about the project. Finally, another benefit of a quality EIS summary is that it quickly addresses the areas of controversy and unresolved issues, presenting it in a concise way to the reader.

### ***How can a reader friendly format improve the quality of the EIS summary?***

This guidance recommends using a reader friendly format to write the summary. A reader friendly EIS summary is one that accomplishes all the requirements of a summary while concisely telling the story of the project. It is “reader friendly” because it is written in lay readers’ terms, allows easy access to the most relevant information, uses clear graphics and tables where appropriate, and most importantly, answers the key questions that most readers will have.

A reader friendly summary is typically written in a question and answer format and incorporates the following principles:

(1) ***Help the reader understand the NEPA process.*** A brief description of the purpose and elements of the environmental review process can help the reader understand why an EIS is being prepared and how to participate in the process. This description could include information about other requirements related to the environmental review process that are considered in the EIS at the same time, such as a Section 4(f) evaluation, Clean Air Act conformity, Section 106 and the historic properties review, Section 404 assurances, and Section 7 of the Endangered Species Act considerations related to wetland and wildlife impact reviews.

(2) ***Emphasize important information in a coherent narrative.*** To prepare a summary, one must extract important information from the EIS. However, simply copying and pasting paragraphs from the EIS is not the best way to summarize. The reader friendly format encourages a translation of detailed material into a coherent and concise narrative. The summary of a DEIS should identify public and agency issues identified during scoping and project development leading to the DEIS, while the summary of a FEIS should describe comments and resolution of any controversy regarding the DEIS. It also should include a

general discussion of substantive comments received and the responses provided, including any major differences between the DEIS and the FEIS.

(3) **Focus on comparing impacts among alternatives.** The narrative should convey the nature and importance of significant, unavoidable impacts, describing what they are, and how they are being addressed in terms of minimizing and mitigating potential harm. Omit minor impacts that do not affect key decisions and may tend to obscure the real issues.

(4) **Use plain language<sup>2</sup>.** It is essential in the summary to use easy to understand language and to carefully explain technical terms. Minimize the use of acronyms and avoid abbreviations. If you must use acronyms, spell them out the first time you use them and provide a list of all acronyms used in the appendix. Use active rather than passive voice.

(5) **Use graphic aides to comprehension.** Incorporate maps, graphs, tables, flow charts, and figures to aid the reader's understanding, making sure that they are easy to grasp. Include key maps of the project area that depict the final set of alternatives considered. Provide key information while avoiding excessive detail. Well-designed summary tables can effectively and accurately compare significant impacts among alternatives. When alternatives are complex or technical, include figures or schematics to simply present or explain them.

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<sup>2</sup> Tips and useful tools on Plain Language are located at: <http://www.plainlanguage.gov/>

## ***EIS Summary Q&A Format Template***

*The following questions compose a reader-friendly EIS Summary with information consistent with CEQ and FHWA regulations. The information in this template guides the user in producing a quality Summary, and provides flexibility to add more questions to present the information contained within the following questions:*

### ***1. What is being proposed and why? Or, why is this project happening?***

The answer should briefly discuss the project's background (including related planning studies), what problem/s this project would solve, the purpose and need, and the proposal's general description and study area including location, type of improvement, route, number of lanes, length, and termini, and other information as appropriate. A summary might explain the importance of input from the public and agencies in defining the project. It also could explain why an EIS rather than an Environmental Assessment (EA) is being prepared [i.e., because significant impacts are likely to result].

### ***2. What are the possible solutions (alternatives) to meet the project purpose?***

The answer should briefly describe the possible solutions to meet the identified purpose and need. The summary should also contain a brief description of the reasonable alternatives considered and the type of improvements that are presented in detail in the EIS. Other important information that may be included here is cost estimates and how alternatives would be financed.

### ***3. What are people's concerns with the project? Is there controversy? What would be the consequences related to the alternatives?***

The answer should concisely describe the controversy associated with the alternatives being studied or their associated impacts raised by the public and agencies. This section also should discuss the significant environmental impacts, both beneficial and adverse, associated with each alternative and summarize proposed mitigation. Each alternative should be compared according to: (1) how effectively the alternative addresses the project purpose and need; and (2) the impacts for each alternative. This discussion could summarize how reasonable alternatives were identified, all environmental consequences, and any associated controversy.

### ***4. Are there any unresolved issues associated with the project? What is the proposed approach to resolve those issues?***

The answer should briefly present information about unresolved issues including those that need to be addressed before the Record of Decision is issued. Issues still open could include

other Federal actions required for the proposed project (i.e., permit approvals, land transfer, Section 106 agreements, etc.), or required consultation that will provide reasonable assurance that all environmental requirements will be met. The answer could also provide an opportunity to disclose information about project phasing and funding issues.

**5. *What are the major conclusions of the EIS? Does the EIS identify a preferred alternative?***

The answer should stress results from environmental and other studies performed and refer the reader to the details in the EIS. For example, a major conclusion may be that an alternative initially considered for evaluation is determined not to be “reasonable” and therefore dismissed from further study or detail. Another conclusion may identify if the project will impact properties subject to a Section 4(f) Evaluation. Additionally, it may provide information that will allow the lead agency to determine whether certain conditions exist for a Section 4(f) *de minimis* determination or if a Nationwide Programmatic Section 4(f) Evaluation can be used for the project. The answer should communicate the results of the consultation with resource agencies and other entities in compliance with applicable federal, state and local requirements, and how those results lead to the identification of the preferred alternative. The analysis should lead to an identification of a preferred alternative. When the DEIS identifies a preferred alternative, the Summary should include a brief description of the alternative and the rationale for its identification. The summary should direct readers to the parts of the EIS document containing the full details of the process that led to the identification of the preferred alternative and that alternative’s associated impacts.