

## Chapter 27

# IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

**MDT ENVIRONMENTAL MANUAL**

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## Chapter 27

# IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

### 27.1 OVERVIEW

The *National Environmental Policy Act* (NEPA) (42 USC 4332) and the *Montana Environmental Policy Act* (MEPA) (MCA 75-1-201) specifically require proposals for major actions significantly affecting the quality of the human environment to include a detailed statement that addresses, among other factors, any irreversible and irretrievable commitments of resources that would be involved in the proposed action if it is implemented.

The purpose of the required discussion is to address, in general terms, the irreversible and irretrievable commitments of natural, physical, human and fiscal resources involved in construction of the proposed project (i.e., commitments of these types of resources that cannot be recovered). The discussion should address the long-term benefits of the project to allow reviewers of the environmental document to compare and weigh those benefits against irreversible and irretrievable commitments of resources.

This discussion is completed as part of an environmental impact statement (EIS) and typically is not required for a categorical exclusion (CE) or an environmental assessment (EA), because the projects covered by these environmental processing alternatives do not involve significant impacts.

This Chapter provides guidance and procedures for evaluating and documenting the irreversible and irretrievable commitments of resources for major actions significantly affecting the quality of the human environment, in compliance with the requirements of NEPA and MEPA.

## 27.2 LAWS, REGULATIONS AND GUIDANCE

### 27.2.1 23 USC 139 “Efficient Environmental Reviews for Project Decision-Making”

For projects involving preparation of an EIS and for EAs being prepared in accordance with the FHWA “SAFETEA-LU Environmental Review Process Final Guidance,” this Part of the *United States Code* (USC) requires that, at appropriate times during the study process, the lead agency or agencies for the project collaborate with agencies serving as participating agencies to determine the methodologies to be used and the level of detail required for assessing impacts, including irreversible and irretrievable commitments of resources. See [Chapters 11 “Preparing Environmental Documentation,”](#) [13 “Environmental Assessment/FONSI”](#) and [14 “Environmental Impact Statement/ROD”](#) for further guidance on this requirement.

### 27.2.2 FHWA Technical Advisory T 6640.8A

According to FHWA Technical Advisory T 6640.8A, dated October 30, 1987, an EIS should discuss, in general terms, the proposed action’s irreversible and irretrievable commitment of resources. This general discussion might recognize that the build alternatives would require a similar commitment of natural, physical, human and fiscal resources.

The Technical Advisory states that an example of this discussion would be as follows:

*Implementation of the proposed action involves a commitment of a range of natural, physical, human and fiscal resources. Land used in the construction of the proposed facility is considered an irreversible commitment during the time period that the land is used for a highway facility. However, if a greater need arises for use of the land or if the highway facility is no longer needed, the land can be converted to another use. At present, there is no reason to believe such a conversion will ever be necessary or desirable.*

*Considerable amounts of fossil fuels, labor and highway construction materials (e.g., cement, aggregate, bituminous materials) are expended. Additionally, large amounts of labor and natural resources are used in the fabrication and preparation of construction materials. These materials are generally not retrievable. However, they are not in short supply and their use will not have an adverse effect upon continued availability of these resources. Construction will also require a substantial one-time expenditure of both State and Federal funds that are not retrievable.*

*The commitment of these resources is based on the concept that residents in the immediate area, State and region will benefit by the improved quality of the transportation system. These benefits will consist of improved accessibility and safety, savings in time and greater availability of quality services that are anticipated to outweigh the commitment of these resources.*

## 27.3 PROCEDURES

### 27.3.1 Information Gathering

The Preliminary Field Review (PFR) is the initial step in the analysis of irreversible and irretrievable commitments of resources for a proposed project. The Design Team (DT) notifies and invites appropriate MDT personnel, including the Project Development Engineer (PDE) within the Environmental Services Bureau (ESB), to the field review. The PDE reviews the list of ESB attendees and includes others as necessary to ensure appropriate ESB personnel are in attendance. The PDE participates in the PFR to make a preliminary evaluation of available information on the project scope, the benefits it will provide and the commitments of resources that will be necessary to implement the project. Following the field review, the DT prepares a PFR Report summarizing the issues discussed during the PFR, including irreversible and irretrievable commitments or resources. The DT distributes the final PFR Report for review and comment. Within ESB, the PDE serves as the document champion to collect and coordinate comments from the other Sections. The PDE compiles the comments into a PFR review memorandum for signature by the Environmental Services Bureau Chief.

For projects subject to the requirements of 23 USC 139 “Efficient Environmental Reviews for Project Decision-Making,” the PDE, in cooperation with FHWA, collaborates with participating agencies in determining the appropriate methodologies to be used and the level of detail required in the analysis of irreversible and irretrievable commitments of resources for project alternatives.

The PDE gathers and documents information on the affected environment for the project area. The PDE continues coordination with the DT as the project development proceeds, to gather information on the project scope and alternatives, consistency with local and regional plans, and project benefits (e.g., positive effects on local and regional economic development, improvements to roadway safety and correction of existing roadway deficiencies, ability to effectively accommodate projected traffic increases). The PDE also coordinates with the DT to evaluate ways to minimize the extent to which the project would use land from sensitive resources.

As indicated in [Section 27.1 “Overview,”](#) this analysis is associated with projects requiring an EIS and typically is not required for a CE or EA. The extent of information gathering is commensurate with the project scope and magnitude of associated irreversible and irretrievable commitments of resources.

### 27.3.2 Analysis and Findings

The PDE uses the information gathered on the affected environment and the project scope and alternatives to evaluate and document irreversible and irretrievable commitments of resources for the project, including the following:

- commitment of land for the build alternative, which may include conversion of agricultural land, ranch land, wetlands, etc.;
- commitment of construction materials (e.g., cement, bituminous materials, aggregate), fossil fuel and labor for fabrication and preparation of the construction materials;

- commitment of human resources to perform the labor and oversight for construction of the project; and
- commitment of Federal and State funds to support project construction.

The PDE also documents the effects of the commitments of the various types of resources. The following are examples of the effects that may be discussed:

- commitment of land the project removes from other uses while the project is in operation, but could eventually be reversed if a greater need for the land should arise;
- commitment of construction materials is irreversible, but should not have a significant impact on the availability of supplies of these materials;
- commitment of human resources for project construction would not have a significant effect on the labor supply; and
- commitment of funding is irreversible, but results in benefits that outweigh the expenditure of funds.

In addition, the PDE documents the consistency of the project with local and regional plans, and the benefits to be attained through commitment of the resources for the project (e.g., increases in safety, mobility, accessibility).

The PDE ensures the results of the analysis of irreversible and irretrievable commitments of resources and the benefits are appropriately reflected in the EIS in accordance with the guidance in Technical Advisory T 6640.8A (see [Chapters 11 “Preparing Environmental Documentation”](#) and [14 “Environmental Impact Statement/ROD”](#)) and included in the project file.

### **27.3.3 Mitigation and Commitments**

The PDE and DT ensure the project plans accurately reflect mitigation measures that are to be implemented for the project to minimize use of sensitive lands. To the extent possible, the PDE and DT should prepare the contract documents using the *MDT Standard Specifications* to minimize the need for special provisions.

The District Environmental Engineering Specialist monitors project construction to ensure that all mitigation measures are implemented in accordance with the approved project plans.