

**CHAPTER 3
EIS SUMMARY/FONSI**

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3. EIS SUMMARY/FONSI

3-1 OVERVIEW AND PROCEDURE

This chapter describes the content and format of a Summary section for Draft and Final Environmental Impact Statements (DEISs and FEISs). It also describes the content and format of a Finding of No Significant Impact (FONSI). All standard statements which are required are in *italics* for easy reference. All standard verbiage that is utilized has been developed through consultation with the Federal Highway Administration (FHWA) to comply with the ***National Environmental Policy Act (NEPA)***, prevailing FHWA policy, ***23 Code of the Federal Register (CFR) 771***, and other Federal laws and requirements. It is the purpose of the summary to fully acquaint the reader of the EIS with the important elements of the document and to clarify any areas of concern or controversy. The summary should document all pertinent facts and conclusions about a topic and identify all mitigation, immunization and/or avoidance measures with the appropriate recommendations.

The FONSI, which is a separate document attached to the Environmental Assessment (EA), serves as the decision-making document for the project and sets out the recommended alternative. Like the summary, it discusses the environmental issues and reaches appropriate decisions regarding mitigation and other recommendations and commitments.

3-2 DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) SUMMARY

The outline of a DEIS Summary is given below. The summary should contain the subheadings provided in the order listed below.

- a. Proposed Action
- b. Other Major Government Actions
- c. Alternatives Considered
- d. Major Environmental Impacts
- e. Areas of Controversy (Optional Section)
- f. List of Other Government Actions Required
- g. Probable Adverse Environmental Effects Which Cannot be Avoided
- h. Irretrievable and Irreversible Commitment of Resources

- i. Feasible Measures to Avoid or Minimize Potential Adverse Impact
- j. Short-Term Impacts Versus Long-Term Environmental Benefits

3-2.1 Proposed Action

This section describes the proposed project and includes, at a minimum, the route number, local name of the roadway, the project length and termini, a brief description of the existing facility, the type of proposed improvements including the number of lanes, any special features, and the name of the City, County, and State in which the project is located.

3-2.2 Other Major Government Actions

This section addresses any major local, State, or Federal actions proposed by other government entities in the same geographical area as the project. If such actions exist then the authorizing agency is identified, the project described, and the potential for coordination or conflict discussed. Any correspondence that may have occurred is referenced.

The following is an example for this section.

“The City of (city) is planning to 4-lane SR XX by (DATE) which will intersect with SR XX. This planned 4-laning is consistent with the Cost-Feasible Plan for (county) and is an integral part of the transportation network. The future development of this project will not conflict with the proposed action of the City, but will further enhance traffic movements throughout the corridor.”

3-2.3 Alternatives Considered

This section contains a brief discussion of all reasonable project alternatives under consideration including the No-Build alternative. Each alternative is discussed including the number of lanes, project limits, and any special features.

The following is an example for this section.

“Various alternatives were considered for improving SR XXX such as widening the existing roadway, alternate route locations, alternate transportation modes and their system, and facility types, and the No-Build alternative.

Only alternatives which involved widening the existing roadway were considered feasible. In the presently, undeveloped area between SR XXX and SR XXX, two alternate typical sections are considered. Alternate A would

provide a six-lane, controlled access, divided highway with frontage roads. Alternate B would provide a six-lane highway with unrestricted access.

In the area between SR X and SR XX, only a six-lane, divided arterial road. Alternate C, is considered.”

3-2.4 Major Environmental Impacts

This section provides a brief overview of the major social, economic, and environmental issues addressed in the DEIS. This includes beneficial as well as adverse impacts. Appropriate sections of the document are referenced where additional information is required. Conclusions on effect may not be reached regarding wetlands and floodplains; these findings are reserved for the FEIS.

The following is an example for this section.

“The proposed project, depending on the alignment alternative chosen, will cause the relocations of properties ranging from 111 to 121 residences, from 23 to 24 businesses, and from 1 to 2 public or institutional facilities. Noise will impact several residential areas. Five prehistoric sites, five non-site loci, and an older home were identified in the vicinity of the proposed project; however, the State Historic Preservation Office (SHPO) has determined that no resources listed, or eligible for listing, on The National Register of Historic Places would be impacted. Wetlands and flood prone areas will be encountered throughout each alternative alignment, requiring mitigative design considerations.

Impacts during construction include air, noise, and localized stormwater runoff pollution. Long-term, operational impacts include increased air pollution and noise in the immediate vicinity of the proposed facility.

The proposed project will provide a new alternative route to existing congested roadways in Northwest (country). It will provide for 50,000 average daily trips in (date) for areas north of SR XX and over 50,000 average daily trips of SR XX.”

3-2.5 Areas of Controversy (optional)

This section is optional for inclusion into a summary since not all projects contain issues which are considered high controversial. This section must identify as clearly as possible those issues which are controversial and at the same time of the approval of the DEIS for public availability determine which issues are still outstanding in resolution. Effort should be made during the course of the study to resolve all issues; however, this may not always be possible in all cases. Where resolution has not been reached on an issue(s), the efforts taken by the Department as well as all coordination with other

agencies must be fully documented. If, by the time the FEIS is ready to be approved, there still does not exist any resolution then the position of each agency or group must be fully set out regarding their issue of concern in the FEIS.

The following is an example for this section.

“Coordination with various governmental agencies, property owners, local groups, and a public participation committee for the SR XXX study has recognized two areas of potential controversy. These are: 1) that some residents of (city) strongly disagree with the need for another six-lane facility considering those already in existence; 2) some residents have strong feelings desiring bike lanes adjacent to the travel lanes for adults and experienced cyclists. Both of these controversial issues have been discussed at the Citizen Advisory Committee (CAC) meetings and at local Metropolitan Planning Organization (MPO) meetings. At this point in time, no resolution exists for either issue.”

3-2.6 List of Other Government Actions Required

This section describes the type of permits required from local State and Federal agencies regarding the project. If additional document review is required (i.e., **Safe Drinking Water Act**) or if an agency is serving as a cooperating agency (which means prior concurrence in the document before FHWA will grant approval), then these are also identified in this section.

The following is an example for this section.

“Permits are required from the Florida Department of Environmental Protection (DEP) for water quality certification, canal crossings, and dredge and fill in wetlands. The project crossings navigable waterways at Big River, Big Bay, and Big Creek, thereby requiring a permit from the U.S. Coast Guard (USCG) which is acting as a cooperating agency on the project. A U.S. Army Corps of Engineers (COE) Section 404 permit is required for filling in wetlands, and a South Florida Water Management District (WMD) permit is required for the project’s surface water management plans. Review by the U.S. Environmental Protection Agency (EPA) under the Safe Drinking Water Act – Section 1424(e) is also required.”

3-2.7 Probable Adverse Environmental Effects Which Cannot Be Avoided

This section addresses the overall effect of the project and the net outcome of project impacts on elements of the environment which will unavoidably be impacted. The content of this section generally includes discussion on wetlands, right-of-way, relocation, historic and archaeological resources, etc.

The following is an example for this section.

“The removal of the existing (bridge), which is eligible for listing in The National Register of Historic Places, will be a part of the proposed action. Evaluations have concluded that there are no feasible and prudent alternatives allowing for the continued use of the existing structure. Sections x and x address the condition of the existing bridge and evaluations related to continued use.

The project will remove acres of wetlands from projective use. Section x discusses proposed mitigation efforts.

The relocation of three residents has also been identified as a part of the proposed action. Relocation assistance will be provided and is addressed in Section x.”

3-2.8 Irretrievable and Irreversible Commitment of Resources

This section briefly discusses those social and natural resources which will be forever lost, expended, or utilized due to construction of the project. The content of this section generally includes discussion on economics, wetlands, right-of-way, relocation, historic and archaeological resources, etc.

The following is an example for this section.

“While the relocation of individuals and families will be unavoidable, relocation assistance and payments will be provided as addressed in Section x. Construction activities in the vicinity of drainage structures will be in accordance with Best Management Practices for erosion control and water quality considerations. Preliminary evaluations have also indicated that retention and/or detention areas may be viable considerations in water management techniques relating to highway storm runoff hydraulics and will be incorporated as applicable and feasible.”

3-2.9 Feasible Measures to Avoid or Minimize Potential Adverse Impact

This section briefly discusses those measures taken to minimize or avoid adverse impacts on the human environment. Appropriate sections of the document are referenced and any mitigative measures proposed for the project are briefly outlined.

The following is an example for this section

“While the relocation of individuals and families will be unavoidable, relocation assistance and payments will be provided as addressed in Section x. Construction activities in the vicinity of drainage structures will be in accordance

with Best Management Practices for erosion control and water quality considerations. Preliminary evaluations have also indicated that retention and/or detention areas may be viable considerations in water management techniques relating to highway storm runoff hydraulics and will be incorporated as applicable and feasible.”

3-2.10 Short-Term Impacts Versus Long-Term Benefits

This section addresses the short-term effects of the project on the human environment as weighed against the overall long-term benefits of the project. Appropriate sections of the document are referenced.

The following is an example for this section.

“Short-term impacts associated with the replacement project will exist during construction operations. Inconvenience to motorists and vessels using the river will occur. Temporary air pollution from fugitive dust and of road emissions, along with noise associated with construction operations cannot be avoided. Every effort will be made to minimize these impacts which are further addressed in Sections x and x.

Increased safety and improved flow of traffic will result from a replacement bridge and associated approach roadways. Elimination of present congestion will result in a net air quality improvement and more efficient use of energy. With implementation of the Automated Skyway Express, which would be accommodated as part of a joint use replacement bridge, further improvements in air quality would be expected due to the diversion of autos and buses for the downtown area. The replacement of the (bridge) with improved approach roadways is a vital part of the Downtown redevelopment efforts and will be beneficial to those goals.”

3-3 FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS) SUMMARY

The Summary of a FEIS is more conclusive in its discussion of environmental impacts, alternatives considered, and the recommended alternative. Specific findings are documented, as are recommendations and commitments made during the course of project development. The summary provides the rationale for decision-making regarding the recommended alternative, which is documented in the text itself. The outline for the Summary of the FEIS is provided below in the order in which they would be contained in the Summary. Example sections are also provided.

- a. Proposed Action
- b. Other Government Actions and Permits Required

- c. Alternates Considered
- d. Areas of Controversy (optional)
- e. Unresolved Issues (optional)
- f. Recommended Alternative
- g. Reasons for Selection of Alternative
- h. Environmental Impacts
 - 1. Wetlands Finding
 - 2. Floodplain Finding
 - 3. Coastal Zone Consistency
 - 4. Cultural Resources
 - 5. Wildlife and Habitat
 - 6. Essential Fish Habitat
 - 7. Farmlands
- i. Probable Adverse Environmental Effects Which Cannot Be Avoided
- j. Irretrievable and Irreversible Commitment of Resources
- k. Feasible Measures to Avoid or Minimize Potential Adverse Impact
- l. Short-Term Impacts Versus Long-Term Environmental Benefits

3-3.1 Proposed Action

This section discusses the overall project concept under consideration including route name and project number, project limits, project location, number of lanes, and special project features.

The following is an example for this section.

“The project consists of widening the existing roadway along a portion of SR XXX in (county), Florida. Various alternatives have been studied for this expansion. Involved in this study are 5.12 miles of existing two-lane roadway between SR XXX and SR XXX and 2.6 miles of four-lane roadway between SR

XXX and SR XXX. The project lies within the municipal boundaries of (city and town).”

3-3.2 Other Government Actions and Permits Required

This section describes any local, State, or Federal action proposed or under construction in the same geographical area as the proposed roadway project. The potential for conflict between those actions is discussed, and any coordination required is referenced. All local, State, and Federal permits required for the project are identified. Also, if any additional agency review is required (i.e., EPA under the **Safe Drinking Water Act**) or if any additional concurrence is required from a cooperating agency (i.e., USCG), then this is also specified.

The following is an example for this section.

“Other Federal actions in the study area are limited to permitting activities for private development proposals in wetland areas. Since the project crosses navigable waters, permits from the USCG are required at Big River, Big Bay and Big Creek. Section 10 and Section 404 permits are required from COE. Dredge and fill permits, and water quality certification are required from DEP. A surface water management permit from the WMD and a review by (county) pursuant to Ordinance No. 77-66 are required.”

3-3.3 Alternatives Considered

This section provides, in general terms, a brief discussion of the alternatives studied for the project including the No-Build alternative.

The following is an example for this section.

“Various alternatives for improving SR XXX were considered including roadway widening alternative routes, alternative transportation modes and various facility types. The No-Project alternatives were also considered. Only alternatives involving widening the existing roadway were considered reasonable.

From SR XXX to SR XXX, two alternative typical sections were considered. Alternate A provides for a six-lane, divided highway with frontage roads for control of access. Alternate B provides a six-lane, divided roadway with restricted driveway and cross street access.

From SR XX to SR XXX, a single alternative designated as Alternate C was considered. This alternate provides a six-lane, divided roadway.”

3-3.4 Areas of Controversy (optional)

This section is optional since not all projects are highly controversial. It discusses any areas of controversy including issues raised by agencies and the public (**Section 3-2.5**).

The following is an example for this section.

“Controversial topics arising from Alternative A were effects on the Central Business District (CBD), and takings of historic sites and recreation areas. The City was opposed to any alternatives which would have disrupted the integrity of the CBD through loss of parking (Alternative 1 (A1) and A5), business relocations (A1 and A4 involve the largest amount), or visual impacts (A1, A4 and A5). The City, County Historical Society, and SHPO were opposed to takings of any historic buildings, such as would result from Alternatives A1 and A5.

“Controversial topics arising from Alternative B were effects on the residential neighborhoods and the medical complex. Concerns of the residents of the neighborhoods which would have been divided by the proposed roadway included commercialization, relocations, safety, traffic noise, and visual impacts. Representatives of the medical complex were concerned over loss of parking, traffic noise and safety. Through the Public Hearing and review and comment processes on the DEIS and Section 4(f) Evaluation, an alternative (A2) was selected which avoids all areas of controversy. No unresolved issues remain.”

3-3.5 Unresolved Issues (optional)

This section is optional and should only be included in the Summary if there are major unresolved issues which are carried forward from the DEIS.

It discusses briefly any disagreements on major issues which remain. Reference should be made to the Comments and Coordination section where more detailed discussion on agency coordination to address unresolved issues is provided. A summary of positions by each agency on the unresolved issues should be provided along with a statement of the Department’s position on the issue.

The following is an example for this section.

“Areas of continuing controversy at the DEIS stage arising from Alternative A were limited to Alternatives A1, A4, and A5. Alternate A1 involved a loss of parking in the downtown area, 14 business relocations, demolition of sites 8Ci 162 and 164, and disruption of visual setting of downtown (city). Alternate A4 involved 16 business relocations, virtual loss of the Shuffleboard Courts Special

Use Facility, and disruption of the visual setting of downtown (city). Alternate A5 involved a loss of parking in the downtown area, demolition of site 8Ci 162 and disruption of the visual setting of downtown (city).

Areas of continuing controversy at the DEIS state arising from Alternate B were residential relocations, safety in the residential neighborhoods and at the medical complex. Traffic noise in the neighborhoods and at the medical complex was another issue. Loss of parking at the medical complex, commercialization of the alignment frontage, and changes in the visual setting of (street) were also controversial issues.”

3-3.6 Recommended Alternative

This section describes the alternative recommended by the Department to FHWA for location/design concept acceptance. It is quite explicit using text references to aid the reader in understanding fully the alternate recommended.

The following is an example for this section.

“Based upon the comments received on the DEIS and as a result of comments at the Location/Design Concept Public Hearing held on (date), the following alternate has been selected for design and construction of SR xx from SR XXX to SR XXX.

1. From SR XXX to SR XXX, a distance of 5.0 miles.

The typical section for Alternate A provides for a six-lane, divided highway with two-lane frontage roads on each side is the preferred alternative. The new road would be built on the existing alignment. See Exhibit X, page x of the DEIS.

The typical section for Alternate A requires right-of-way of 280 feet in areas where the frontage road adjoins the main roadways. At intersections with major cross streets, the frontage roads will “bow-out” a distance of up to 700 feet from the main roadway to provide workable at-grade intersections. See page x of the DEIS for a list of intersections.

All major intersections will be expanded to provide two left-turn lanes and a separate right turn lane in each direction. At the intersection of SR XXX and SR XXX, sufficient right-of-way will be acquired to allow future construction of a bridge carrying SR XXX over SR XXX, but an at-grade, expanded intersection will be constructed on the first stage.

2. From SR XXX to SR XXX, a distance of 2.2 miles.

The typical section for Alternate C providing a six-lane, divided highway, is the preferred alternative. Alternate C is shown on Exhibit x, page x of the DEIS.

The typical section for Alternate C will be constructed within the existing right-of-way which is 120 feet in width.

3. From SR XXX to SR XXX, a distance of 0.32 miles.

The typical section for Alternate D provides for an eight-lane, divided highway, is the preferred alternative. Expanded intersections with two, left-turn lanes and a separate right-turn lane will be provided at the SR XXX and at SR xx on all four-intersection legs.

To eliminate right-of-way taking on the north side of SR XXX, the typical section for Alternate D was revised from that shown in the DEIS. Twelve feet of additional right-of-way will be acquired on the south side of SR XXX. Border areas will be 10 feet wide rather than 13 feet and the median will be 16 feet wide rather than 22 feet.

The left-turn lane in each direction will lead directly into one of the double, left-turn lanes. Signs on overhead span wires will warn thru motorists not to use these lanes.”

3-3.7 Reasons for Selection of Alternative

This section addresses the rationale behind the selection of the recommended alternative. Much of the content of this section is a reiteration of the purpose and need for the project and discussion on why this alternative meets the needs of the community. If engineering, social, economic, or environmental reasons played a significant part in the rationale for the selection of an alternative then that discussion is provided with appropriate text references.

The following is an example for this section.

- “1. From SR XXX to SR XXX

The typical section for Alternate A was selected for the following reasons:

- a. A “controlled-access” facility provides greater traffic-carrying capacity.
- b. The controlled-access roadway will encourage clustered development and will discourage strip development.
- c. The controlled-access facility conforms with the goals of local, County, and regional land use plans. The (city) adopted Ordinance No 569 on

June 1, 1986, which endorses frontage roads for control of access along SR XXX. Also, the (county) 2020 Transportation Plan and the Trafficways Plan both call for a controlled-access facility. As stated in DEIS (page x), the 200-foot right-of-way will not accommodate the frontage road system, so the Department will recommend to (county) Planning Council that the Trafficways Plan be revised to show a 280-foot right-of-way dimension.

- d. Grass swale ditches provided by the typical section for Alternate A allow an effective and economic drainage design to be developed which will help to protect the ground water resources in the project area.
2. From SR XXX to SR XXX, the typical section for Alternate C was selected because any further right-of-way acquisition beyond the currently-owned 120-foot width would result in disruption of homes and businesses adjacent to the roadway. The typical section for Alternate C is in accordance with the 2020 Transportation Plan and Trafficways Plan.

Typical section C is the widest roadway which can be constructed within the existing right-of-way.

3. From SR XXX to SR XXX, the typical section for Alternate C was selected because additional lane was needed to provide traffic-carrying capacity in the heavily-used, three block portion of SR XXX between SR XXX and SR XXX.”

3-3.8 Environmental Impacts

This section describes all substantive and significant social, economic, and environmental issues addressed in the document. Brief summary statements are provided on air quality, noise, relocations, cultural resources, wetlands, floodplains, etc. Appropriate findings are reached to comply with **Executive Orders (Eos) 11990 and 11988**. Any recommendations or commitments, mitigation, or interagency agreements which may have been reached over the course of the study are identified and referenced accordingly.

3-3.8.1 Wetlands Finding

This section addresses wetland impacts and any proposed mitigation. When there exists no practicable alternative to the proposed taking of wetlands, the FEIS must contain the Finding required by **EO 11990** and by **DOT Order 5660.1A**. The finding must be contained in a section or paragraph titled “Wetlands Finding”. This section must discuss the following and reference the detailed discussion in the text as appropriate:

- a. Reference **Executive Order 11990**.

- b. A discussion of the basis for the determination that there are no practicable alternatives to the proposed action (involving wetlands).
- c. A discussion of the basis for the determination that the proposed action includes all practicable measures to minimize harm in wetlands.
- e. A concluding statement as follows :

“Based upon the above consideration, it is determined that there is no practicable alternative to the proposed new construction in wetlands and the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.”

If there are no wetlands involvement on a project, a finding is still provided. The finding simply states that there is no wetland involvement and cites **EO 11990**, as provided below :

“The proposed improvements do not take any wetlands, and, therefore, Executive Order 11990 does not apply.”

The following is an example for this section.

“In accordance with EO 11990, wetlands were given special consideration in developing and evaluating alternates for the proposed action. As discussed in Section 1.0, there are no practicable alternatives to the proposed action which would avoid impact wetlands. The recommended alternate will unavoidably impact 28.7 total acres of wetlands along a 4-mile section of the project. A wetland mitigation plan (section x.x) has been developed to include all practicable measures to minimize harm to these wetlands. This wetlands mitigation plan contains roadway alignment considerations, considerations for preserving wetlands within the right-of-way, a reduced median width, steeper side slopes, a revegetation plan, and several measures, including weir-controlled culverts, which will be designed to enhance sheet flow in the wetland systems, thus allowing approximately 1500 acres of presently stressed wetlands to become more productive estuarine habitat.

Based upon the above consideration, it is determined that there are no practicable alternatives to the proposed new construction in wetlands and that the proposed action includes all practicable measures to minimize harm to the wetlands which may result from such use.”

3-3.8.2 Floodplain Finding

This section addresses project impacts on floodplains as required by **EO 11988** and regulatory floodway involvement as required by **The Federal Aid**

Policy Guide, 23 CFR 650A. The first portion of the section discusses the extent of floodplain involvement, the significance of the project's encroachments, any proposed mitigation efforts, and the fact that there exists no practicable alternative to the involvement. At a minimum, the following information must be substantiated by the finding:

- a. The reasons why the proposed action must be located in the floodplain.
- b. The alternatives considered and why they were not practicable.
- c. A statement indicating if the action conforms to applicable State and local floodplain protection standards.
- d. A statement on the significance of the encroachment.
- e. A discussion of mitigation.

If mitigation is required then the appropriate section of the EIS is referenced.

If there is no floodplain involvement on the project then the following standard disclaimer statement is provided.

"The project does not involve the base floodplain, therefore Executive Order 11988 does not apply."

The following standard statement is used when it is determined that there is minimal floodplain involvement and the impact of a project on the floodplain will not be significant.

"Pursuant to Executive Order 11988, "Floodplain Management", the proposed action was determined to be within the base floodplain. Impacts associated with the encroachment have been evaluated and determined to be minimal. Therefore, the proposed action will not constitute a significant encroachment."

If there is a significant floodplain involvement then the information required in "a" through "e" in the list provided above must be provided in the finding.

In addition to floodplain involvement, this section also addresses regulatory floodways to comply with the **Federal Aid Policy Guide, 23 CFR 650A.**

If the project involves a regulatory floodway then the remediation of that involvement must be demonstrated in this section. Full cooperation and the coordination with the Federal Emergency Management Agency (FEMA) and

local agencies to ensure project consistency with the floodway must be shown. If the project improvements require modification of the floodway then the discussion should reflect the fact that modification has occurred and that the resultant modifications are acceptable to FEMA. Appropriate sections of the EIS should be referenced.

If there is no floodway involvement then the following disclaimer must be provided :

“The project does not involve a regulated floodway.”

The following is an example for this section.

“Pursuant to EO 11988, “Floodplain Management”, the proposed action was determined to be within the base floodplain. Encroachments include several minor transverse encroachments into the 100-year frequency floodplain. A regulatory floodway is also designated within (creek). Recommended improvements with the regulatory floodway will result in a reduction of the presently defined, upstream floodplain zone. There will be change in the downstream floodplain zone. Modifications to the base floodplain and regulatory floodway have been coordinated with FEMA through local officials and the proposed action is consistent with the regulatory floodway. See Exhibit x.

Extensive coordination with local officials and FEMA has been accomplished in the development of the proposed action, and this coordination will continue through completion of all construction phases. Impacts associated with these encroachments have been evaluated and determined to be minimal. Therefore, the proposed action will not constitute a significance encroachment.”

3.3.8.3 Coastal Zone Consistency (CZC)

This section documents compliance with the ***Coastal Zone Management Act of 1972, 15 CFR 930***, and the ***Coastal Zone Management Plan (CZMP)*** for the State of Florida which is called the ***Florida Coastal Management Program (FCMP)***.

One (1) of two (2) standard statements is used to demonstrate compliance. The first statement is used when the project has undergone interagency review and has been determined by the Department of Environmental Protection to be consistent with the ***FCMP***.

“The Department of Environmental Protection has determined that this project is consistent with the Florida Coastal Management Program. See Exhibit x.”

The second statement is used when the project is exempt from Coastal Zone Consistency (CZC) review.

“This project does not require a Coastal Zone Consistency review since federal funds will not be used.”

In all cases, a statement must be made regarding the status of the project with the **FCMP**. Since one of these two statements will always be used, no example is provided for this section.

3-3.8.4 Cultural Resources

This section addresses whether or not there is **Section 4(f)** and/or **Section 105** involvement with a project. Where there is involvement with **Section 4(f)** or **Section 106** resources, the property must be identified and the impact on the resource(s) addressed, all proposed mitigation outlined and referenced, and a conclusion statement provided regarding the project’s effect on the resource.

For both **Section 4(f)** and **Section 106** involvement, the conclusion must state that there exists no “feasible and prudent” alternative to the use of the property and discuss the effect of the project on the cultural resource. The summary must also contain a statement that all practicable measures to minimize harm have been taken.

Full coordination with the SHPO, the Advisory Council on Historic Preservation (ACHP), and FHWA must be demonstrated and documented by reference for **Section 106** projects.

For projects involving **Section 4(f)** properties, full coordination with the local property owners and FHWA must be demonstrated and documented.

If there is no involvement with **Section 4(f)** properties then the following standard disclaimer statement must be provided.

“The proposed improvement will not require the use of any park, wildlife refuge, or recreational land as defined in Section 4(f) of the 1966 U.S. Department of Transportation Act, as amended. Therefore, FHWA has determined that Section 4(f) does not apply.”

If there is no involvement with **Section 106** properties then the following standard disclaimer statement must be provided.

“FHWA, after consultation with the SHPO, has determined that no sites listed or eligible for listing on The National Register of Historic Places will be impacted by the project. The project, therefore, has no effect on any such properties.”

The example given below contains the type of narrative usually found when there is **Section 4(f)** and **Section 106** involvement.

“The proposed project will take 0.5 acre of land from the front portion of the Any Old House, a historical site determined to be eligible for listing on The National Register of Historic Places. The taking will not impact a stone fence which lies across the front portion of the property, but will remove much of the landscaping. The SHPO has determined that the project will have an adverse effect upon the historical resource. Through coordination, the SHPO, FHWA, and the ACHP have developed a Memorandum of Understanding (MOU) identifying mitigation measures. These mitigation measures are developed by a landscape plan to replace Evaluation vegetation removed (Cultural Resource Section, page 24). A Section 4(f) Evaluation was prepared, and a determination was made that there are no prudent and feasible alternatives to the proposed action, and all practicable measures to minimize harm to the site have been taken.”

3-3.8.5 Wildlife and Habitat

This section addresses the project’s involvement with threatened and endangered species or their critical habitat. If species are involved then they are identified as are their habitats, and any mitigation, if proposed, is referenced. Also, a conclusion is reached regarding the effect of the project on the species and their habitat.

Generally the conclusion is one of no effect; however, where an “effect” or “may effect” is the conclusion, then a biological assessment is prepared, and a summary of its findings is provided in this section.

In all cases, coordination and/or consultation with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), where applicable, must be documented.

Where a “no effect” determination is applicable, the following standard statement must be used:

“It has been determined by FHWA, that the project, as proposed, will have no effect on any threatened or endangered species.”

An example is provided below of the general type of discussion found when there is an involvement with an endangered species on a project.

“An Endangered Species Biological Assessment (ESBA) was prepared for this project. The project occurs within the range of the Red-Cockaded Woodpecker and the Everglades Kite (endangered) as well as the Eastern Indigo Snake (threatened). None of the above species were observed during field investigations of the proposed project. Suitable habitats for these species do not occur within the

limits of this project. It has been determined by FHWA, that the project as proposed, will have no effect on any threatened or endangered species.”

3-3.8.6 Essential Fish Habitat

This section documents compliance with the ***Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA)*** and coordination with the National Marine Fisheries Service (NMFS) regarding impacts to Essential Fish Habitat (EFH) and associated Habitat Areas of Particular Concern (HAPC). If EFH is impacted it is identified and any mitigation, if proposed, is referenced.

If FDOT determines that a proposed action will not affect EFH, no consultation with NMFS is required and the following standard disclaimer statement must be provided.

This project is not located within, and/or will not adversely affect areas identified as Essential Fish Habitat; therefore, an Essential Fish Habitat consultation is not required.

The example given below contains the type of narrative usually found when there is EFH involvement.

“An EFH Assessment has been prepared in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). It has been determined that this project will have adverse effects to Essential Fish Habitat. A response to Conservation Recommendations has been sent to the National Marine Fisheries Service. Further coordination with the NMFS will be conducted during the design and permitting phase. An Addendum to the EFH Assessment will be prepared during the design phase to document in detail the impacts and mitigation for EFH”

3-3.8.7 Farmlands

This paragraph documents consultation and coordination with the Natural Resources Conservation Service (NRCS) regarding a project’s impact on farmlands. Since FHWA has, through a letter of agreement, worked out the coordination effort with the NRCS, the following standard statements are used to document coordination on projects:

- a. For Urbanized Areas With No Farmland Involvement

“Through coordination with the Natural Resources Conservation Service, it has been determined that the project area which is located in the urbanized area of (NAME OF URBAN AREA) does not meet the definition of farmland as defined in 7 CFR 658. Therefore, the provisions of the Farmland Protection Policy Act of 1984 do not apply to this project.”

b. For Non-Urbanized Areas With No Farmland Involvement

“Through coordination with the Natural Resources Conservation Service, it has been determined that no farmland as defined in 7 CFR 658 are located in the project vicinity.”

c. Excluded Bridge Replacements Requiring An Environmental Document

“Through coordination with the Natural Resources Conservation Service, it has been determined that the provisions of the Farmland Protection Policy act of 1984 do not apply to this project.”

When there is farmland involvement on a project, this section must address the extent of farmland involvement, document consultation, and coordination efforts with the NRCS concerning impacts, and discuss whether or not mitigation is proposed. Appropriate text references should be provided.

3-3.9 Probable Adverse Environmental Effects Which Cannot Be Avoided

This section addresses the overall effect of the project and the net outcome of project impacts on elements of the environment, which will unavoidably, impacted. The content of this section generally includes discussion on wetlands, right-of-way, relocation, historic and archaeological resources, etc.

The following is an example for this section.

“The removal of the existing (bridge), which is eligible for listing in The National Register of Historic Places, will be a part of the proposed action. Evaluations have concluded that there are no feasible and prudent alternatives allowing for the continued use of the existing structure. Sections x and x address the condition of the existing bridge and evaluations related to continued use.

The project will remove approximately 2 acres of wetlands from productive use. Section x discusses proposed mitigation efforts.

The relocation of three businesses has also been identified a part of the proposed action. Relocation assistance will be provided and is addressed in Section x.”

3-3.10 Irretrievable and Irreversible Commitment of Resources

This section briefly discusses those social and natural resources, which will be forever lost, expended, or utilized due to construction of the project.

The content of this section generally includes discussion on economics, wetlands, right-of-way, relocation, historic and archaeological resources, etc.

An example is provided below of the type of discussion usually found in this section.

“In addition to the commitment of resources for labor and materials, the proposed project will require the taking of 5.5 acres of additional land for highway purposes, removing it from its present usage. Some fill material for road embankment may have to be obtained outside the project right-of-way, thus committing to the alteration of the terrain in nearby borrow areas.”

3-3.11 Feasible Measures to Avoid or Minimize Potential Adverse Impact

This section briefly discusses those measures taken to minimize or avoid adverse impacts on the human environment. Appropriate sections of the documents are referenced, and any mitigative measures proposed for the project briefly outlined.

An example is provided below of the type of discussion usually found in this section.

“While the relocation of individuals and families will be unavoidable, relocation assistance and payments will be provided as addressed in Section x. Construction activities in the vicinity of drainage structures will be in accordance with Best Management Practices for erosion control and water quality considerations. Preliminary evaluations have also indicated that retention and/or detention areas may be viable considerations in water management techniques relating to highway storm water runoff hydraulics and will be incorporated as applicable and feasible.”

3-3.12 Short-Term Impacts Versus Long-Term Benefits

This section addresses the short-term effects on the project on the human environment as weighed against the overall long-term benefits of the project. Appropriate sections of the document are referenced.

The following is an example for this section.

“Short-term impacts associated with the replacement project will exist during construction operations. Inconvenience to motorists and vessels using the river will occur. Temporary air pollution from dust and exhaust fumes and noise associated with construction operations cannot be avoided. Every effort will be made to minimize these impacts which are further addressed in Sections x and xx.

Increased safety and improved flow of traffic will result from a replacement bridge and associated roadways. Elimination of present congestion will result in a net air quality improvement and more efficient use of energy. With implementation of the Automated Skyway Express, which would be accommodated as part of a joint use

replacement bridge, further improvements in air quality would be expected due to the diversion of autos and buses for the downtown area. The replacement of the (bridge) with improved approach roadways is a vital part of the Downtown redevelopment efforts and will be beneficial to those goals.”

3-4 FINDING OF NO SIGNIFICANT IMPACT (FONSI)

This section discusses the development of a FONSI, which is the decision-making document for the Department and FHWA. The FONSI is a separate document to which the revised EA is attached. The EA serves as support documentation for the FONSI. The FONSI must fully document compliance with all applicable Federal environmental laws, executive orders, and related implementing regulations. The FONSI fully establishes the decisions reached by the Department and FHWA regarding a project and details the rationale behind the alternative selection and the finding itself.

If full compliance with Federal law is not possible then the FONSI must reflect consultation with the appropriate agencies and provide reasonable assurance that the requirements will be met at some future date.

3-4.1 Cover Page

The cover page contains the same information as that shown on the cover page of an EA with two exceptions: the signature block is for document approval, and the cover page contains narrative on the finding.

3-4.2 FONSI Format

The format of the FONSI is generally in short paragraph form without subheadings with each paragraph addressing a particular issue or group of common issues found in the EA. The arrangement of the paragraphs is up to the analyst preparing the FONSI; however, it serves as a guide in the document preparation, the following topics should be addressed in the order presented:

- a. Statement on Finding of No Significant Impact
- b. Project Location
- c. Purpose and Need
- d. Recommended Alternative
- e. Relocation and Right-of-Way
- f. Cultural Resources

- g. Air Quality
- h. Noise
- i. Floodplain Finding
- j. Wetlands Finding
- k. Water Quality
- l. Wildlife and Habitat
- m. Essential Fish Habitat
- n. Farmlands
- o. Coastal Zone Consistency
- p. Public Involvement
- q. Statement on Public Availability

3-4.3 FONSI Content

The FONSI serves to document the decisions reached by the Department and FHWA regarding the proposed project and delineates the rationale employed in reaching project decisions. All appropriate findings (i.e., wetlands and floodplains) are made, and most of the environmental issues addressed in the EA are summarized with conclusions in the FONSI.

Modifications to the EA occurs, as appropriate, to reflect changes in the project resulting from the public hearing, subsequent agency meetings, and correspondence.

A new section titled, Commitments and Recommendations is added to the EA, and the Comments and Coordination Section of the EA is updated to include citizen input received by the Department as a result of the public hearing (**Part 2, Chapter 32**).

The remainder of **Section 3-4.3** describes the contents of the FONSI and provides sample narrative including standard statements.

3-4.3.1 Standard Statement on FONSI

The FONSI determination is made by FHWA and set out in the opening paragraph of the FONSI. FHWA, in its findings, takes full responsibility for the

accuracy, scope, and contents of the environmental document. The following standard statement, which is the FHWA finding, must be included in all FONSI:

“FHWA has determined that this project will not have any significant impact on the human environment. The Finding of No Significant Impact is based on the attached Environmental Assessment which has been independently evaluated by FHWA and determined to adequately and accurately discuss the environmental issues and impacts of the proposed project. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. The FHWA takes full responsibility for the accuracy, scope, and contents of the attached Environmental Assessment.”

3-4.3.2 Project Location

This paragraph provides the project’s name, length, termini, City and County names and any special features.

The following is an example for this section.

“The location of the proposed action is a section of SR XXX traversing the (river) in (city, county), Florida, locally known as the (bridge). The study limits of the proposed action extends to SR XXX and SR XXX, a distance of about 1.5 miles; however, the major problem is the two-lane (bridge) and its approaches that extend from the vicinity of Y Street to Z Drive, a distance of approximately 3,000 feet (Figures X and XX).”

3-4.3.3 Purpose and Need

This paragraph defines the need for the project and delineates briefly those transportation and community issues the project is being developed to meet.

The following is an example for this section.

“The (bridge) serves as a major crossing of the (river), connecting the mainland with the North Peninsula. It links the east and west CBDs of (city) and provides the primary emergency service and evacuation route for persons living and working on the North Peninsula.

Traffic congestion, a problem along this section of SR XXX, is compounded by frequent bascule bridge openings. Current traffic volumes result in forced flow traffic conditions during peak hours. The proposed bridge replacement will provide a facility that will meet current and future traffic service demands by multi-laning and eliminating bridge openings.

Analysis of the proposed improvement indicates that sufficient justification exists to warrant the implementation of the improvement due to the benefits to be derived by the public, including a structurally-sound facility, a positive impact on existing traffic congestion, a balance between vehicular and boating service needs, and a more reliable emergency evacuation route.”

3-4.3.4 Recommended Alternative

This part of the FONSI describes the recommended alternative with the appropriate section of the EA referenced for greater detail.

The following is an example for this section.

“The proposed action is the replacement of the existing bridge with a four-lane, high rise structure (Alternate C-2) involving partial removal of the existing causeways. This replacement will upgrade the (bridge) and associated approaches from two to four lanes, eliminating an existing bottleneck caused by the four-lane SR XXX transitioning to a two-lane facility as it crosses the (river). The entire project will be constructed within existing rights-of-way and lands owned by the (city) and (county) (section XX).”

3-4.3.5 Relocation and Right-of-Way

This paragraph addresses the amount of right-of-way required for the recommended alternative, and the number of residential and business relocations required. If no right-of-way takings are involved and no relocations are required then a disclaimer statement to that effect must be provided.

Likewise, if last resort housing is required on the project then a brief statement addressing Last Resort Housing is made.

The following is an example for this section.

“The proposed improvement will result in five (5) business and eight (8) residential displacements. These relocations will not have a disruptive effect on the community or neighborhoods in which they are located. None of the businesses are minority-owned. No special clientele is served by any of the business being displaced.”

3-4.3.6 Cultural Resources

This paragraph addresses **Section 106** and **Section 4(f)** involvement on a project. When **Section 4(f)** and/or **Section 106** involvement has occurred, then this paragraph must briefly summarize the impact of the project on the resource, the extent of the involvement, the degree of consultation and coordination between the Department, FHWA and the agency who has jurisdiction over the property for **Section 4(f)** properties, and or between FHWA, SHPO, and the ACHP (when applicable), when **Section 106** is involved. It documents any agreements reached during interagency consultation and coordination, and briefly explains all mitigation required. Pertinent portions of the EA should be referenced to enhance reader understanding.

When there is no involvement with Section properties and a “no effect” determination has been reached by the SHPO, then the following standard statement must be included in the FONSI.

“FHWA, in compliance with Section 106 of the National Historical Preservation Act and in consultation with the State Historic Preservation Officer, has determined the proposed action will have no effect upon any properties protected under Section 106.”

For **Section 4(f)** involvement on the project, this paragraph must provide the rationale for the use of **Section 4(f)** property. It must state there exists no prudent and feasible alternatives to the use of the property and that all practicable measures to minimize harm are being utilized. The extent of the mitigation required is briefly described and the appropriate portions of the EA and **Section 4(f)** Evaluation are referenced for detail.

If there is no **4(f)** involvement on the project then the following disclaimer statement must be made.

“The proposed action will not use any properties as defined by Section 4(f) of the Department of Transportation Act. FHWA has determined that Section 4(f) does not apply.”

The following is an example for this section.

“Two historical properties are located on the project; the XYZ Hotel and the XYZ Home. The XYZ Home is on The National Register of Historic Places and the XYZ Hotel was determined by the Keeper of the Register to eligible for listing on the National Register. FHWA, in compliance with Section 106 of the National Historical Preservation Act and in consultation with the State Historic Preservation Officer, has determined the proposed action will have no effect upon either of properties.

The proposed action will not use any properties as defined by Section 4(f) of the Department of Transportation Act. FHWA has determined that Section 4(f) does not apply.”

3-4.3.7 Air Quality

This paragraph reiterates the conclusion of the air quality section of the EA regarding conformance with the ***State Implementation Plan (SIP)***.

The following is an example for this section.

“A comparison of air pollutant levels with and without the proposed action indicates an improvement in the air quality with the project. Since a high-rise bridge will eliminate bridge openings, traffic across the bridge will flow more freely, at a more rapid speed, decreasing primary pollutants emitted by vehicular traffic. Results of computer modeling indicate that air quality is at selected receptor locations will not exceed State of Florida Ambient Air Quality Standards through the design year.

This project is in an area where the SIP does not contain any transportation control measures. Therefore, the conformity procedures of 23 CFR 770 does not apply to this project. This project is in conformance with the SIP because it will not cause violations of air quality standards and will not interfere with any transportation control measures.”

3-4.3.7 Noise Impacts

This paragraph summarizes any noise impacts resulting from the project. If noise abatement is required, the site(s) receiving mitigation are identified and the type of mitigation proposed is discussed. If abatement is not feasible for certain sites then those sites are identified and the rationale for not mitigating provided. If there are no noise impacts as a result of the project then a disclaimer statement is made.

The following is an example for this section.

“The environmental impact of the proposed action will be minimal. In the case of noise, a maximum of 2 dBA increase, which is not considered substantial, will occur over existing noise levels between (date) and the design year (date). However, no residences or businesses will be adversely affected, and, in no instance, will the FHWA design noise levels be approached or exceeded. Temporary noise impacts will occur from construction activities, but will be attenuated by the mitigation measures in Section x.”

3-4.3.8 Floodplain Finding

This paragraph addresses the impacts of the project's floodplains and provides a floodplain findings as required by **EO 11988**. It also addresses project involvement with regulatory floodways and must demonstrate compliance with the **Federal Aid Policy Guide, CFR 650A**.

Regarding floodplains, a finding is reached which discusses the extent of floodplain involvement, the significance of each encroachment, and the fact that there exists no practicable alternative to the involvement.

This finding must include:

- a. The reasons why the proposed action must be located in the floodplain.
- b. The alternatives considered and why they were not practicable.
- c. A statement indicating if the action conforms to applicable State or local floodplain protection standards.
- d. A statement on the significance of the encroachment.
- e. A discussion on any proposed mitigation.

If there is no involvement with a floodplain then a disclaimer statement citing the **EO** must be provided.

If the involvement is determined to be minimal and not significant then the finding is made using the following standard statement:

“Pursuant to Executive Order 11988 “Floodplain Management”, the proposed action was determined to be within the base floodplain associated with low areas and drainage ditches. Impacts associated with the encroachment have been evaluated and determined to be minimal. Therefore, the proposed action does not constitute a significant encroachment.”

This section also must address whether or not there is a regulated floodway involvement on the project as required by the **Federal Aid Policy Guide, 23 CFR 650A**. If there is a regulated floodway involvement then this must be identified and the extent of the project's encroachment on the floodway discussed. The extent of the Department's coordination with FEMA and the local planning agencies to insure conformance with the floodway must be documented.

If the project does not involve a regulated floodway then the following disclaimer must be provided.

“The project does not involve any regulatory floodways.”

The following is an example for this section.

“Pursuant to EO 11988, “Floodplain Management”, the proposed action was determined to be located entirely within the 100-year floodplain and within the designated coastal hurricane flood surge zone of (country). There is no practicable alternative to construction within the floodplain, and the proposed action is to replace the facility with an upgraded structure. The proposed action would improve the flood-carrying capacity of the river in the immediate vicinity of (bridge), due to causeway removal, with minimal effects to hurricane flood surge heights.”

3-4.3.10 Wetlands Finding

This section addresses wetland impacts and any proposed mitigation. Where there exists no practicable alternative to the proposed taking of wetlands, the FONSI must contain the finding required by **EO 11990** and by **DOT Order 5660.1A**. The finding must be contained in a paragraph titled “Wetlands Finding”. This paragraph must discuss the following and reference the detailed discussion in the EA as appropriate:

- a. A reference to **Executive Order 11990**.
- b. A discussion of the basis for the determination that there are no practicable alternatives to the proposed action.
- c. A discussion of the basis for the determination that the proposed action includes all practicable measures to minimize harm in wetlands.
- d. Once the above has been discussed, the following concluding statement must be provided:

“Based upon the above consideration, it is determined that there is no practicable alternative to the proposed new construction in wetlands and the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.”

If there is no wetland involvement on a project, a finding is still provided through the use of the following standard statement.

“The proposed improvements do not take any wetlands, and, therefore, Executive Order 11990 does not apply.”

The following is an example for this section.

“Wetlands Finding – In accordance with EO 11990 (Protection of Wetlands), wetlands were given special consideration during the development and reevaluation of alternatives to the proposed action which would avoid impacting wetlands. The recommended alternate (Alternate C-2) would unavoidably remove approximately 187 square yards of marsh vegetation, as would each of the build alternates. All practicable measures will be taken to minimize harm to wetland areas. A more detailed analysis of wetland impacts is presented in Section x of the EA.

Based upon the above consideration, it is determined that there are no practicable alternatives to the proposed new construction in wetlands and that the proposed action includes all practicable measures to minimize harm to the wetlands, which may result from such use.”

3-4.3.11 Water Quality

This paragraph briefly summarizes the water quality discussion in the EA.

The following is an example for this section.

“No significant degradation of water quality is anticipated. Causeway removal, as part of the proposed action, will result in an increase in tidal and wind-driven circulation which will enhance the assimilative capacity and mixing characteristics of waters in the vicinity of the bridge. Short-term water quality impacts will occur during causeway removal due to increased downstream turbidities. This temporary impact will be mitigated by the placement of turbidity curtains when necessary to prevent water quality degradation and associated impacts on aquatic ecology.”

3-4.3.12 Wildlife and Habitat

This section addresses the project’s involvement with threatened and endangered species and their habitat. If species are involved then they are identified as well as their habitat, and any mitigation, if proposed, is referenced, and a conclusion is reached regarding the effect of the project on the species and their habitat.

Generally the conclusion is one of no effect; however, where an “effect” or “may effect” is the conclusion, then a biological assessment is prepared and a summary of its findings is provided in this section.

In all cases, coordination and/or consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, where applicable, must be documented.

When FHWA determines that a project will have “no effect” on any threatened or endangered species or their habitat, then the following standard statement must be used:

“It has been determined by FHWA, that the project, as proposed, will have no effect on any threatened or endangered species.”

The following is an example for this section.

“A rare and endangered species, the Florida Manatee, has been observed in the vicinity of the proposed action. However, no critical habitat for rare or endangered species, as designated under the provisions of the Endangered Species Act of 1973, as amended, will be impaired. Special precautions, as detailed in Section x of this report, will be taken during dredging and construction activities to protect manatees from injury. After formal consultation with the U.S. Department of Interior – FWS, they gave the biological opinion that the project is not likely to jeopardize the continued existence of the Florida Manatee, or adversely modify habitat essential for its existence. See Appendix.”

3-4.3.13 Essential Fish Habitat

This section addresses the project’s involvement with Essential Fish Habitat (EFH) and associated Habitat Areas of Particular Concern (HAPC). This section documents compliance with the ***Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA)*** and coordination with the National Marine Fisheries Service (NMFS) regarding impacts to. If EFH is impacted it is identified and any mitigation, if proposed, is referenced.

If FDOT determines that a proposed action will not affect EFH, no consultation with NMFS is required and the following standard disclaimer statement must be provided.

This project is not located within, and/or will not adversely affect areas identified as Essential Fish Habitat; therefore, an Essential Fish Habitat consultation is not required.

The example given below contains the type of narrative usually found when there is EFH involvement.

“An EFH Assessment was conducted under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). Two types of

EFH have been identified within the project area which include soft bottom/benthic and mangrove habitat. Potential impacts to each of these habitat types are anticipated; however impacts are expected to be minimal and are not anticipated to adversely affect EFH. Further coordination with the NMFS will be conducted to acquire guidance on including potential mitigation options for proposed EFH impacts.”

3-4.3.14 Farmlands

This paragraph documents consultation and coordination with the NRCS regarding a project’s impact on farmlands.

The standard statements normally used to show coordination are:

1. For Urbanized Areas With No Farmland Involvement

“Through coordination with the Natural Resources Conservation Service, it has been determined that the project area, which is located in the urbanized area of (NAME OF URBAN AREA), does not meet the definition of farmland as defined in 7 CFR 658. Therefore, the provisions of the Farmland Protection Policy Act of 1984 do not apply to this project.”

2. For Non-Urbanized Areas With No Farmland Involvement

“Through coordination with the Natural Resources Conservation Service, it has been determined that no farmlands as defined by 7 CFR 658 are located in the project vicinity.”

3. Excluded Bridge Replacements Requiring An Environmental Document

“Through coordination with the Natural Resources Conservation Service, it has been determined that the provisions of the Farmland Protection Policy Act of 1984 do not apply to this project.”

When there is farmland involvement on a project, this section must address the extent of farmland involvement, document consultation and coordination efforts with the NRCS concerning impacts, and discuss whether or not mitigation is proposed. Appropriate text references should be provided.

3-4.3.15 Coastal Zone Consistency (CZC)

This section documents compliance with the **Coastal Zone Management Act of 1972, 15 CFR 930**, and the **CZMP** for the State of

Florida which is called the ***Florida Coastal Management Program (FCMP)***.

There are standard statements used to demonstrate compliance. The first statement is used when the project has undergone interagency review and has been determined by the Department of Environmental Protection to be consistent with the ***FCMP***.

“The Department of Environmental Protection has determined that this project is consistent with the Florida Coastal Management Program. See Exhibit x.”

In all cases, a statement must be made regarding the status of the project with the ***FCMP***. Since this statement will always be used, no example is provided for this section.

3-4.3.16 Public Involvement

This paragraph briefly summarizes the public involvement effort with appropriate references to the text, states the date the EA was approved for public availability, and states when and where a public hearing was held to afford the public an opportunity to officially comment on the project.

The following is an example for this section.

“A Public Involvement Program was conducted during the course of the study (section x). In addition, a Public Hearing was held on (date). Overall response to the design concept favored a high-rise bridge alternate (C-1 or C-2) with virtually unanimous agreement among those attending the public workshops and public hearing.”

3-4.3.17 Standard Statement of Public Availability

A standard statement regarding public availability of the document must be included in all FONSI. This statement documents public access to Department information and citizen participation in the decision-making process.

The following is the standard statement:

“The approved Environmental Assessment addresses all of the viable alternatives that were studied during project development. The environmental effects of all alternatives under consideration were evaluated when preparing the assessment. Even though the document was made available to the public before the public hearing, the Finding Of No Significant Impact was made after consideration of

all comments received as a result of public availability and the public hearing.”

3-5 REFERENCES

1. U. S. Department of Transportation, Federal Highway Administration, October 30, 1987. Guidance for Preparing and Processing Environmental and Section 4(f) Documents, FHWA Technical Advisory T6640.8A.
2. Council of Environmental Quality, Executive Office of the President, 1978. Provisions of the National Environmental Policy Act, Reprint 43 1979. FR 55978-56007 and 40 CFR Parts 1500-1508.