

CHAPTER 6 ENVIRONMENTAL ASSESSMENT

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6. ENVIRONMENTAL ASSESSMENT

6-1 OVERVIEW

An Environmental Assessment (EA) is an action in which the significance of the environmental impact is not clearly established. The preparation of an EA begins after Federal Highway Administration (FHWA) or other Lead Federal Agency determines it is the appropriate Class of Action (COA). Whenever FHWA is referenced in this chapter, it may be exchanged with Lead Federal Agency. FHWA calculates the EA time frame from the moment the COA is approved through Location and Design Concept Acceptance (LDCA).

If at any point in the EA process, before LDCA, it is discovered that the project would result in significant impacts, an Environmental Impact Statement (EIS) must be prepared. Significance is identified by Florida Department of Transportation (FDOT) or FHWA, but the final determination is made by FHWA. If an EIS is needed, a Notice of Intent must be completed. It is important when writing the scope of services for an EA not to assume that the decision will be a Finding of No Significant Impact (FONSI), but rather that the result could be either a FONSI or the need to prepare an EIS. If after completing the EA, it is determined that there are no significant impacts resulting from the project, a FONSI is prepared. See **Part 1, Chapter 2, Environmental Class of Action Determination** for guidance on significance.

An EA is prepared by following the procedures in this chapter. Concurrent with the preparation of an EA, a public involvement program is developed and administered in accordance with procedures in **Part 1, Chapter 11, Public Involvement**. For Local Agency Program (LAP) projects FDOT provides oversight and is the liaison with FHWA. **Figure 6.1** shows the Environmental Assessment process.

The EA should be a concise document that:

1. Briefly provides sufficient evidence and analysis for determining whether to prepare a FONSI or an EIS
2. Aids in compliance with the **National Environmental Policy Act (NEPA)** and other applicable federal environmental laws, regulations, and Executive Orders when an EIS is not necessary
3. Facilitates preparation of an EIS when one is necessary

A project file is to be maintained during the **NEPA** process to compile an Administrative Record of decisions made during the process. The Districts should maintain accurate and up-to date project files throughout the project and include all decision-making materials.

Once the EA is prepared the District must complete a quality control review to determine that the document is complete and ready for distribution. At the District's discretion, they may request that the Central Environmental Management Office (CEMO) comment on the EA. The EA is submitted to FHWA for approval along with supporting technical reports (i.e., **Noise Study Report, Air Quality Report, Conceptual Stage Relocation Plan, Contamination Screening Evaluation Report, Preliminary Engineering Report, Wetland Evaluation Report, Endangered Species Biological Assessment**) and a completed **Planning Requirements for Environmental Document Approvals Form** with required documentation. If the project involves a cooperating agency, a copy of the EA is forwarded by the District to that agency for review and comment. All submittals of documents to the Lead Federal Agency must come from FDOT.

Comments from the cooperating agency, CEMO (if applicable), and the FHWA Division Office are evaluated and incorporated into the EA by the District. The District then resubmits the EA to FHWA for approval for public availability.

Upon FHWA approval of the EA, the District publishes a notice of availability for the document and an announcement for the public hearing in local newspapers and other media, ensuring that all persons potentially impacted including non-native speakers of English and members of racial and ethnic minorities, receive notice (**Part 1, Chapter 11, Public Involvement**). The notice may be incorporated in the same advertisement as the public hearing. The document must be available for public review at least twenty-one (21) days prior to the public hearing (**Part 1, Chapter 11, Public Involvement**). Copies of the approved EA are also made available for public inspection at locations listed in the notice. The District sends the EA to the Florida State Clearinghouse and all interested state and federal agencies utilizing the Environmental Screening Tool (EST) [see **Efficient Transportation Decision Making (ETDM) Planning and Programming Manual**]. Upon publication, a 30-day comment period is provided for the review of the EA.

For EAs, a public hearing is conducted to comply with **Section 339.155(6), Florida Statute (F.S.)** After the public hearing, if no significant impacts are associated with the project, a FONSI is prepared in accordance with **Part 1, Chapter 7, Finding of No Significant Impact**. If significant impacts are determined as a result of the public hearing process, a Draft Environmental Impact Statement (DEIS) is prepared in accordance with **Part 1, Chapter 8, Draft Environmental Impact Statement**.

6-2 PROCEDURE

6-2.1 Format and Sequence of Topics

Table 6.1 lists topics for inclusion in the EA. The topics are divided into two (2) subcategories: Standard and Optional (**FHWA Technical Advisory T6640.8A**). These subcategories are based on federal laws, regulations, and Executive Orders. The Standard topics are required in the EA, including the Project Description and Purpose

and Need, Alternatives Considered, Impacts, Comments and Coordination, and Commitments and Recommendations, etc. The Commitments and Recommendations section should provide commitments made to date. The “Impacts” topics should identify project impacts and address comments provided by the Environmental Technical Advisory Team (ETAT) during EST screening. Optional categories are discussed in the EA, if applicable. Preparation of the document entails following the procedures in each of the referenced chapters for all standard topics and those optional topics deemed relevant to the project. Reference chapters in the *PD&E Manual* are identified in **Table 6.1**.

The EA should be concise and focused on the relevant issues or resources where the significance of the impacts is in question. Issues or resources with insignificant or no impact can be addressed briefly. Comments submitted from the ETAT during EST screening should be used to focus the content of the EA. Although the regulations do not set page limits, the Council on Environmental Quality (CEQ) recommends that the length of EAs usually be less than 15 pages (***40 Most Asked Questions Concerning CEQ’s NEPA Regulations***), implying that the document should be focused and to the point. To minimize volume, the EA should use good quality maps and exhibits, incorporate by reference, and summarize background data and analysis.

The EA document should include information demonstrating the project’s fulfillment of FHWA planning consistency requirements in the Project Description and Purpose and Need section of the EA and the ***Planning Requirements for Environmental Document Approvals Form (Figures 4.2 and 4.3, Part 1, Chapter 4, Project Development Process and Engineering Considerations)***. Long Range Transportation Plan (LRTP), Transportation Improvement Plan (TIP), and State Transportation Improvement Plan (STIP) pages should also be attached the form and submitted to FHWA. If the project has been segmented for construction or if segmentation is known, it must be identified in the form and associated discussion. A map showing segmentation should also be included with the form and described in the EA. All consistency requirements must be met prior to requesting LDCA.

6-2.2 Intradepartmental and FHWA Review Process

Once the EA is prepared, the District completes a quality control review to determine that the document is complete and ready for distribution. The District then submits the EA to the FHWA Division Office for review and approval. The District must contact the FHWA Division Office to determine the number of copies needed. The FDOT is responsible for submitting all materials to the Lead Federal Agency, such as the EA and all supporting documentation.

The District sends FHWA two (2) copies of all supporting technical reports that led to the decision and required coordination with another agency such as the ***Conceptual Stage Relocation Plan, Noise Study Report, Air Quality Report, Contamination Screening Evaluation Report, Preliminary Engineering Report, Wetland Evaluation Report, and Endangered Species Biological Assessment***. FHWA is

also sent a completed **Planning Requirements for Environmental Document Approvals Form**. For a complete list of technical documents and the planning requirements form, see **Part 1, Chapter 4, Project Development Process and Engineering Considerations**. A transmittal letter and related reports should accompany the EA. A sample transmittal letter is provided in **Figure 6.2**. At the District's discretion, they may send CEMO a copy of the EA with a request for review and comments.

If there are cooperating agencies, the District submits two (2) copies of the EA to each agency for their review and comment. In addition, the cooperating agencies are sent technical documents that pertain to their jurisdiction.

Within thirty (30) days of receipt of the EA, FHWA, cooperating agencies, and CEMO (if applicable) will provide comments to the District. The FHWA Division Office will issue one of the following:

1. Review with comments
2. A statement that the document is not ready for review
3. Approval of the document for public availability by FHWA

If FHWA, a cooperating agency, or CEMO (if applicable) submits comments, the District makes the necessary revisions and sends the revised EA to FHWA for approval.

6-2.3 Actions Taken After Approval of the Environmental Assessment

One (1) copy of the approved EA and a transmittal letter are forwarded by FHWA to the District. An example transmittal letter is provided in **Figure 6.3**. The District makes copies of the EA for public availability and inspection. The ETDM Coordinator or Project Manager then uploads the approved EA to the EST. Once uploaded, an electronic copy of the EA is sent to the Florida State Clearinghouse and ETAT agencies. The ETDM Coordinator or Project Manager may also send the document to other interested state and federal agencies and other stakeholders. If applicable, copies must be sent to the cooperating agencies (i.e., U.S. Coast Guard, U.S. Army Corps of Engineers).

The District places a notice in a local newspaper(s) which advertises the public hearing, that the approved document is available for public review, and provides a list of locations where it can be inspected by the public (**Part 1, Chapter 11, Public Involvement**). This notice is usually provided in the same advertisement for the public hearing. The public hearing is held a minimum of twenty-one (21) days after the notification of public availability is placed in the local newspaper(s).

Once the EA is approved, the notice of availability provides that all organizations, agencies, and the public have a comment period of 30 days per **23 CFR 771.119**.

After the public hearing has been held, the comment period has closed, and all issues have been addressed, the District attaches the public hearing transcript and responses to substantive comments to the EA, and prepares a FONSI according to procedures in **Part 1, Chapter 7, Finding of No Significant Impact**. If significant impacts are determined, a DEIS is prepared in accordance with **Part 1, Chapter 8, Draft Environmental Impact Statement**.

6-3 REFERENCES

1. 23 CFR 771.119, Environmental Assessments.
2. Florida Department of Transportation. 2006. Efficient Transportation Decision Making (ETDM) Planning and Programming Manual.
3. Federal Highway Administration, Technical Advisory T6640.8A, "Guidance for Preparing and Processing Environmental and Section 4(f) Documents". October 30, 1987.
4. Council on Environmental Quality, 40 Most Asked Questions Concerning CEQ's NEPA Regulations, March 16, 1981.
5. Council of Environmental Quality, 1978. Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 43 FR 55978-56007 and 40 CFR Parts 1500-1508.
6. Federal Register, Vol 52, No. 167, "Environmental Impact and Related Procedures". August 28, 1987.
7. Federal-Aid Policy Guide, 23 CFR 771, Sub chapter H - Right-of-Way and Environment, Part 771-Environmental Impact and Related Procedures, December 9, 1991, Transmittal 1.
8. FHWA guidance on NEPA documentation:
<http://environment.fhwa.dot.gov/projdev/docuea.asp>

6-4 HISTORY

11/1/2002, 1/31/2007

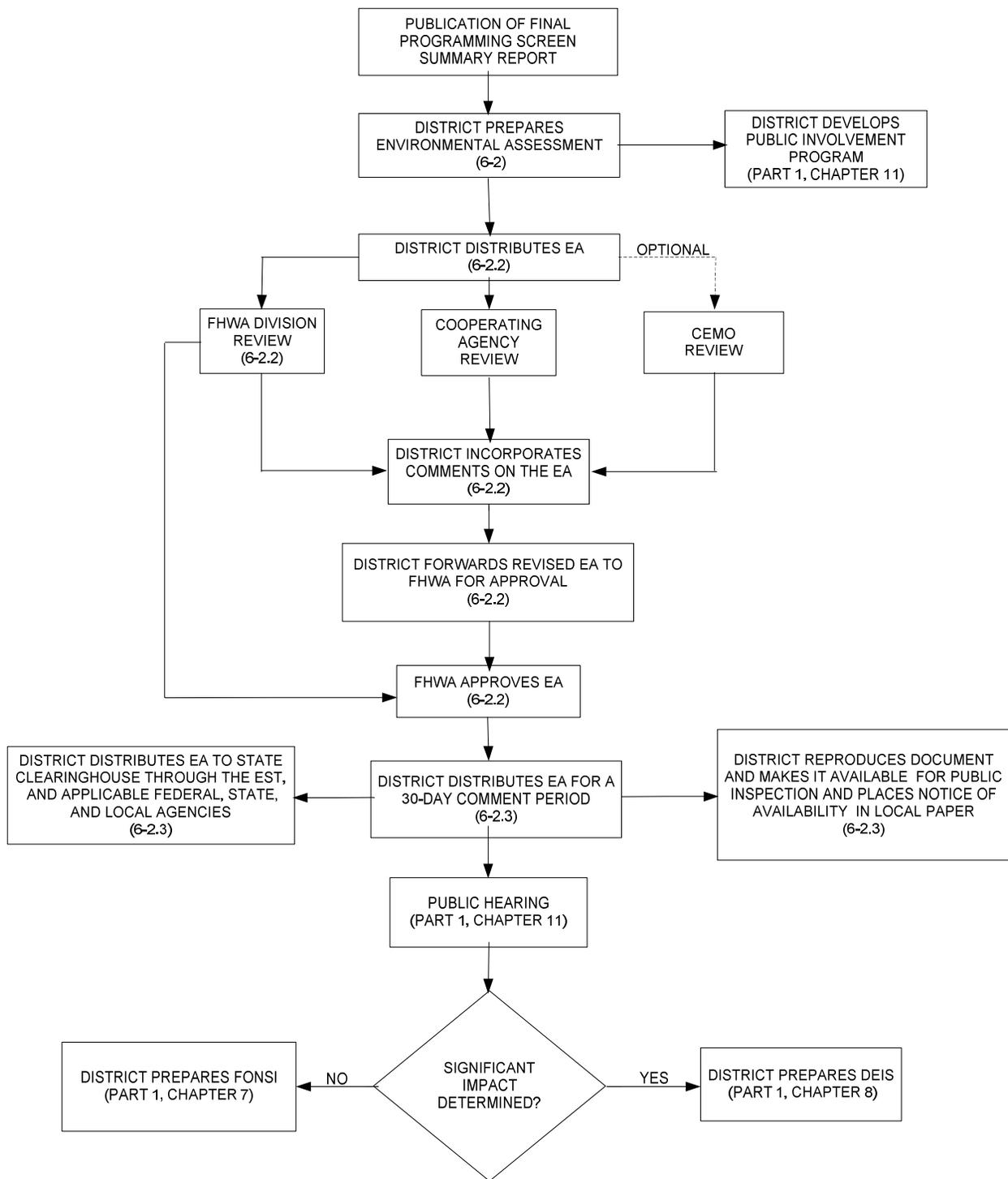


FIGURE 6.1 Environmental Assessment Process

(DATE)

Division Administrator
Federal Highway Administration
545 John Knox Road, Suite 200
Tallahassee, Florida 32303

Attention: (FHWA Transportation Supervisor)

Dear Mr./Ms.

Subject : Environmental Assessment
Financial Management Number XXXXX-XXXXXX
Federal-Aid Project No. X-XXX(X)-X
Any County, Florida

Enclosed are _____ copies of an Environmental Assessment for the subject project as required by the National Environmental Policy Act of 1969 and submitted in compliance with 23 CFR Part 771.

In addition, copies of the Preliminary Engineering Report, Conceptual Stage Relocation Plan, Contamination Screening Evaluation Report, Wetland Evaluation Report, Endangered Species Biological Assessment, Noise Study Report, and the Air Quality Report are enclosed as reference material. The Planning Requirements for Environmental Document Approvals Form is also included for planning consistency determination.

Please advise us of your actions so that we may proceed with the project.

Sincerely,

Manager of District office in charge of PD&E
studies as appropriate based on District
organizational structure

Enclosures

cc: Federal-Aid Programs Coordinator

FIGURE 6.2 Example Transmittal Letter to FHWA for EA and Associated Reports

(DATE)

District Secretary
Florida Department of Transportation
Any City, Florida

Dear Mr./Ms.

Subject: Environmental Assessment
Federal-Aid Project Number X-XXXX(X)
Financial Management Number XXXXX-XXXXXX
Any County, Florida

The FHWA has reviewed the subject document dated _____ as submitted by (FDOT staff name) dated _____. In accordance with 23 CFR 771, we have approved the Environmental Assessment for public availability and are returning a signed copy for your use.

Sincerely,

Division Administrator

Enclosure

FIGURE 6.3 Example Transmittal Letter of Approval of EA from FHWA

CONTENT ITEMS IN ENVIRONMENTAL ASSESSMENTS

TOPIC	STANDARD	OPTIONAL	CHAPTER (Part 2 of PD&E Manual)
COVER PAGE	X		2
TABLE OF CONTENTS	X		1
PROJECT DESCRIPTION AND PURPOSE AND NEED	X		4 and 5
ALTERNATIVES CONSIDERED	X		6
IMPACTS	X		8
Social and Economic			
1. Land Use Changes	X		9
2. Community Cohesion	X		9
3. Relocation Potential	X		9
4. Community Services	X		9
5. Nondiscrimination Considerations	X		9
6. Controversy Potential	X		9
7. Scenic Highways		X	29
8. Farmlands	X		28
Cultural			
1. Section 4(f)	X		13
2. Historic Sites/Districts	X		12
3. Archaeological Sites	X		12
4. Recreational Areas	X		13
Natural			
1. Wetlands	X		18
2. Aquatic Preserves		X	19
3. Water Quality	X		20
4. Outstanding Florida Waters		X	21
5. Wild and Scenic Rivers	X		23
6. Floodplains	X		24
7. Coastal Zone Consistency	X		25
8. Coastal Barrier Resources		X	26
9. Wildlife and Habitat	X		27
10. Essential Fish Habitat	X		11
Physical			
1. Noise	X		17
2. Air Quality	X		16
3. Construction	X		30
4. Contamination	X		22
5. Aesthetic Effects	X		15
6. Bicycles and Pedestrians	X		14
7. Utilities and Railroads		X	10
8. Navigation		X	Part 1, Chapter 2
COMMENTS AND COORDINATION	X		31
COMMITMENTS AND RECOMMENDATIONS	X		32
APPENDICES	X		36

TABLE 6.1 Content Items in Environmental Assessments